

lation of more than two hundred ninety thousand (290,000) inhabitants according to the last preceding Federal Census, that the governing body of said cities shall have the power to make loans to be secured by, and paid out of the income of the water works system of said cities and/or extensions, replacements, betterments, additions, and/or improvements thereof necessary to render adequate service; and to pledge and use the income of such system for the payment of said debts, and providing further that in said cities, elections provided in Section 6, of said chapter, shall not be necessary for the issuance of bonds and notes to secure said loans made payable solely by the income of said system, and providing for the required submission of said bonds and notes to the Attorney General for his examination, and that said bonds shall be examined and certified as legal obligations to said cities by the Attorney General of Texas, and requiring them to be registered by the Comptroller in a book kept for such purpose; and providing further, that nothing in this Act shall repeal or affect any other legislation pertaining to this same subject, but shall be cumulative to all Acts granting power to all cities and towns including Home Rule cities and it is not intended to limit or impair any power given by any other of such Acts, nor shall any other Act be deemed to limit or impair power granted under this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

COLLIE, Chairman.

Committee Room,

Austin, Texas, Oct. 12, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. C. R. No. 39.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, Oct. 12, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Penitentiaries, to whom was referred S. C. R. No. 24.

"Whereas, the Appropriation Bill for the different departments of the State government, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PATTON, Chairman.

### TWENTIETH DAY.

Senate Chamber,

Austin, Texas,

October 12, 1933.

The Senate met at 2 o'clock p. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, no quorum being present.

On motion of Senator DeBerry a call of the Senate was ordered for the purpose of securing and maintaining a quorum.

On motion of Senator DeBerry, the Sergeant-at-Arms was ordered to bring in all absent Senators in the city.

On motion of Senator Collie, Senator Patton was excused from the call on account of death in the family.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Reagan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
ONeal.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dis-

pensed with on motion of Senator Woodward.

### Committee Reports.

(See Appendix.)

### Message from the House.

Hall of the House of Representatives,  
Austin, Texas, October 12, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 176, A bill to be entitled "An Act making an appropriation to pay deficiencies and bills for the Adjutant General's Department out of the General Fund; authorizing payments of such claims on the taking effect of this Act."

With engrossed rider.

H. B. No. 81, A bill to be entitled "An Act providing a privilege license for any person before engaging in the business of a commercial fisherman, wholesale fish dealer, retail fish dealer, bait dealer, fish guide; or before operating a shrimp trawl, net, or seine, or oyster dredge for taking any aquatic life from the waters of this State for pay; naming the licenses and the fees to be paid for same; limiting the length of a seine which may be licensed and the size of the mesh of seine which may be licensed after September 1, A. D. 1934; providing aquatic products are subject to inspection by any employee of Game, Fish and Oyster Commission; providing a rebate for holders of licenses and permits heretofore issued by the Game, Fish, and Oyster Commission; etc., and declaring an emergency."

S. B. No. 80, A bill to be entitled "An Act to authorize the Board of Regents of The University of Texas to execute bond in a sum not in excess of one million two hundred thousand dollars, to obtain funds with which to complete the Main Building of The University of Texas; to pledge that part of the available University fund arising from grazing and other surface leases of University lands to secure same, and to authorize said Board to make contracts for the construction of dormitories, and declaring an emergency."

H. B. No. 84, A bill to be entitled "An Act empowering counties through their commissioners' court to borrow money or receive grants of money from the Federal Emergency Administrator of Public Works or other Federal agency under the terms and provisions of the Act of the Congress of the United States commonly known as the National Recovery Act; providing that said money may be borrowed only for purposes for which counties may create a valid indebtedness and levy a tax to pay for said indebtedness; providing means for the securing by said counties of the repayment of such money borrowed; etc., and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

### House Bill Referred.

H. B. No. 176, referred to Committee on Finance.

### S. C. R. No. 27.

Senator Hornsby sent up the following resolution:

Whereas, On May 27, 1933 Robert Kleberg, under a Kingsville, Texas date line, addressed a letter to Honorable Archie Parr, Senate Chamber, Austin, Texas, which communication was approved by John G. Kenedy, Jr., H. F. and J. C. McGill, Ceasar Kleberg, Will Ball, Charles M. Armstrong, Frausto Yterria, and Daniel Yterria, and in said communication the following agreement and contract was tendered the State of Texas through the Highway Commission of Texas in the following language to-wit:

"I submit this statement with the proposal through you, our Senator and life-long friend, if it meets with your approval that the Highway Commission be requested to have prepared a complete engineering report of the possibilities, cost, safety, all-weather features, traffic capacity, present and future of both projects under consideration, namely, the proposed Padre Island road and the route paralleling the Missouri Pacific Railroad; that such study and survey be commenced without delay and that the report of the commission, together with its findings, conclusions and recommendations, be completed and made public in the

shortest possible time consistent with a full and fair consideration of the problems involved. I request also that a representative of the Bureau of Public Roads of the Federal Department of Agriculture be invited to join the commission in the proposed investigation. When the proposed study and investigation have been completed, and the Highway Commission has reached a decision and is prepared to build the road, the interested land owners of Kenedy County will immediately and without delay request the Commissioners' Court of Kenedy County to cooperate with the Highway Commission in securing the necessary right-of-way for whichever route the commission may recommend."

(Said communication appears on Pages 2357 to 2359 of the Senate Journal, Regular Session of the Forty-third Legislature); and

Whereas, The State Senate of Texas, at its Regular Session of the Forty-third Legislature, adopted Senate Simple Resolution Number 121, appearing on Page 2360 of the Senate Journal of said Regular Session to-wit:

"Whereas, Interested land owners in a communication addressed to the Honorable Archie Parr, Senator from the Twenty-seventh Senatorial District, have requested that the Highway Commission make a survey and report covering two suggested routes for the Hug-the Coast Highway through Kenedy County; and

Whereas, Said interested land owners have agreed to abide by the recommendations of said Highway Commission based upon such study and investigation, and to cooperate in securing the necessary rights-of-way for a highway through Kenedy County for such route as the Highway Commission may recommend; therefore, be it

Resolved, That the Senate of Texas hereby requests the Highway Commission to proceed without delay to make a thorough study of the two routes proposed and that it expedite with all possible dispatch the completion of such study and investigation and make public its recommendation as soon as possible in order that construction of the proposed

highway may be commenced as soon as may be practical.

PURL,	NEAL,
PARR,	MURPHY,
WOODUL,	RUSSEK,
WOODWARD,	REDDITT,
RAWLINGS,	SANDERFORD,
HORNSBY,	PACE,
DUGGAN,	FELLBAUM,
POAGE,	WOODRUFF,
REGAN,	GREER,
STONE,	MOORE,
MARTIN,	PATTON,
BLACKERT,	HOLBROOK."

(Said Simple Resolution was adopted by the Senate on May 29, 1933); and

Whereas, The said Highway Commission of Texas directed the State Highway Engineer to make or cause to be made, said comparative survey, and determine the location of construction of a State Highway on what is known as the Padre Island or on Highway Number 96 through Kenedy County; and

Whereas, The said survey was so made, and report thereof, made to the State Highway Department of Texas, and on September 19, 1933, as appears from Minute Number 8149½ of the State Highway Commission, the State Highway Commission of Texas entered the following order to-wit:

"Whereas, The Senate of Texas by resolution requested the State Highway Department to make a comparative survey of what is known as the Padre Island Route from Corpus Christi to Point Isabel, and Highway Number 96 through Kenedy County; and

Whereas, The survey has been completed and all data furnished the Highway Department, and it has been determined that the location and construction of a State Highway on what is known as Padre Island is impracticable;

It is therefore ordered by the Highway Commission that what is known as the Kenedy County Route or Highway Number 96 be and the same is hereby adopted in preference to the Padre Island Route and the State Highway Engineer is directed to make a location through Kenedy County as soon as practicable, so that right-of-way may be furnished under the terms of an agreement entered into by and between certain

property owners in Kenedy County and representatives of the Highway Department and State Senate, with the understanding that after the survey has been completed and right-of-way furnished, the road through Kenedy County will be constructed as soon as funds are available."; and

Whereas, The records in the office of the Highway Commission of Texas show that the highway running north and south through Willacy County is paved to the northern boundary line of Willacy County, which is the southern boundary line of Kenedy County, and that the terminus of the pavement is immediately east of the right-of-way of the Missouri Pacific Railroad, referred to in the communication of Robert Kleberg, and that the end of the said pavement is the beginning of the road right-of-way through Kenedy County, and since the proposition made by said interested land owners in said communication addressed to the Honorable Archie Parr requires the location of the said road right-of-way through Kenedy County to be parallel with said railroad, the Highway Commission has by its said order accepted said contract, and approved the same. Said road right-of-way through Kenedy County has been by virtue of said communication, and Simple Resolution of the Senate, Number 121, and said order of said Highway Commission, made a binding contract, and fixed the location and designation of said road right-of-way through Kenedy County and constitutes a binding gift by said property owners to the State of Texas of said road right-of-way; now, therefore be it

Resolved by the Senate of Texas, the House concurring, That the State Highway Engineer of the State of Texas, be, and is hereby directed to supply to the Senate of Texas, on or before 12 o'clock noon, October 12, 1933, a map of said proposed right-of-way through Kenedy County parallel with said railroad as provided in said communication of Robert Kleberg and said Senate Simple Resolution Number 121 and said order of said Highway Commission of Texas, and that on or before October 20, 1933, the said State Highway Engineer supply sufficient data from his office and from the of-

fice of the County Clerks of Kenedy County, Texas, and Kleberg County, Texas, from which the field notes of said road right-of-way can be made certain and that said interested land owners be requested by a letter, or letters, submitted from said Highway Department, to supply deeds to said road right-of-way in accordance with the said contract on or before the first day of November, 1933, and that said contract and designation of said road right-of-way through Kenedy County made as aforesaid through the Senate of Texas, be, and the same is hereby accepted and approved, and the said State Highway Engineer is hereby directed to immediately remove the cross-fences from said right-of-way and designate the middle line of said road right of way for such use as the public shall desire to make thereof pending the better improvement of said road by the Highway Commission of Texas; be it further

Resolved, That the State Highway Commission of Texas be, and it is hereby directed to use such funds as are now available for the immediate construction of the said road.

HORNSBY.

The resolution was read.

Senator Hornsby received unanimous consent to take up the resolution for consideration without referring it.

Senator Redditt sent up the following amendment:

Amend S. C. R. No. 27 by adding at the end of the resolution the following:

"Provided that this resolution shall not be construed to authorize the Highway Commission to give priority to this project over pending road projects."

REDDITT.

Read and adopted.

The resolution was adopted unanimously.

House Bills Referred.

H. B. No. 81, referred to Committee on Game and Fish.

H. B. No. 84, referred to Committee on Counties and County Boundaries.

**House Bill No. 64.**

The Chair laid before the Senate as special order the following bill:

H. B. No. 64, A bill to be entitled "An Act to prohibit the sale or lease of a machine gun or submachine gun, and defining same, or the barter, exchange, or trade of same to any person, except he be the Adjutant General of the State of Texas, the duly qualified and commissioned sheriff of a county, a duly qualified and commissioned constable of a county, or a duly qualified and commissioned chief of police of any municipality within the State; prescribing a penalty for the violation thereof, and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Woodruff the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 64 was put on its third reading and final passage by the following vote:

**Yeas—30.**

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

**Absent—Excused.**

Patton.

Read third time and finally passed by the following vote:

**Yeas—30.**

Beck.	Hornsby.
Blackert.	Martin.
Collie.	Moore.
Cousins.	Murphy.
DeBerry.	Neal.
Duggan.	Oneal.
Fellbaum.	Pace.
Greer.	Parr.
Holbrook.	Poage.
Hopkins.	Purl.

Rawlings.	Small.
Redditt.	Stone.
Regan.	Woodruff.
Russek.	Woodul.
Sanderford.	Woodward.

**Absent—Excused.**

Patton.

**Message From the House.**

Hall of the House of Representatives,  
Austin, Texas, October 12, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions and bills:

H. C. R. No. 52, Suspending Rule 23 of the Joint Rules of the House and Senate for the consideration until finally passed H. B. No. 193.

H. C. R. No. 53, Suspending Rule 23 of the Joint Rules of the House and Senate for the consideration until finally passed H. B. No. 150.

S. B. No. 28, Restoring jurisdiction of the County Court of Duval County.

S. B. No. 103, A bill to be entitled "An Act to provide for the granting of charters for corporations, and the renewal thereof, for the purchase, sale and distribution of water and water rights, and the building of pipe lines, plants and the equipment thereof; to provide the conditions under which charters for the same may be granted, and to authorize such corporations to borrow money from the Government of the United States of America or any agency thereof, and to issue its notes and bonds as evidence of its indebtedness; to authorize the issuance of stock on which shall be paid no dividends, and to provide for the distribution of the profits of such corporation to towns, cities and other political subdivisions of the State as well as private corporations and individuals who shall be customers of such corporation in the purchase of water, said dividends to be issued in direct proportion to the amount of business transacted by such contractees with said corporation; to provide the method of selecting the governing body and officers of such corporation; to authorize such corporation to lease, purchase, own and hold such property, real and personal as may be required for its purposes; to limit the salary

and expenses to be paid to the executive officers and legal representatives of such corporation; to grant to such corporation power of eminent domain to obtain rights of way for pipe lines and other necessary sites and to authorize such corporations to make contracts for the sale and delivery of water in exchange for rights-of-way, if in the judgment of the board of directors of said corporation the same be necessary; and declare an emergency requiring this bill to become operative immediately."

H. C. R. No. 44, Suspending Rule 23 of the Joint Rules of the House and Senate for the purpose of considering until considered finally H. B. No. 137.

Passed:

S. B. No. 33, A bill to be entitled "An Act to appropriate the unexpended balance in the State Treasury on September 1, 1933, to the credit of a separate fund provided for by Section 9, S. B. No. 111 passed at the Second Called Session of the Forty-first Legislature; and declaring an emergency."

Passed:

S. B. No. 50, A bill to be entitled "An Act to amend Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, as amended by Chapter 136, Acts of the Regular Session of the Forty-third Legislature, by adding thereto a section to be known as Section 7a, providing that the Board of County and District Road Indebtedness shall keep adequate minutes of its proceedings and make semi-annual reports to each county and giving the commissioners' court of any county the right to inspect and audit the records of said board and of the State Treasurer and requiring said Board of County and District Road Indebtedness to make annual reports to the Governor, the President of the Senate, and the Speaker of the House of Representatives; and providing for the return to each county affected of all moneys and securities belonging to it in the event Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, as amended, shall be repealed or become inoperative for any reason; and providing that the funds of the several counties shall be deposited in State depositories and draw interest

earned on securities be credited to the owner county; and providing for the exemption from certain named provisions of said Chapter 13, as amended, of any county having a depository secured by surety bonds or which has deposited adequate securities and in which county no depository has defaulted for three years and which county has not defaulted in the payment of principal or interest on any bonds for five years and which county has its sinking funds at legal standard and which county has levied adequate tax rates in support of all outstanding bonds, and giving to such county when exempted the exclusive right of investment of its sinking funds; and providing the mode and manner of making application by the county judge for exemption of his county from certain named provisions of said Chapter 13, as amended, and requiring the Board of County and District Road Indebtedness to inspect the records of applicant counties and return its findings within thirty days of said application and outlining in detail the procedure by which a county may become exempt from the operation of the certain named provisions of said Chapter 13, as amended; and providing for the filing and trial of a cause to test the right of any county to such exemption in the event such right of exemption is denied by said board; and providing that as soon as any county is granted such exemption the board shall return to such county the cash and securities then on hand belonging to such county; and providing that so long as the conditions entitling such county to such exemption prevail, such county shall not be required to forward the cash or securities in the sinking funds to its eligible road bond issues or the taxes collected for such interest and sinking funds; and providing for any such exempted county to make remittances to the State Treasurer of the amounts required to be paid to it to supplement the amount paid by the State for interest and principal on eligible road bond issues; and giving the commissioners' court the exclusive right to invest the sinking funds of its county and setting out the kind of securities which may be purchased; and providing that if any part of this amendment shall be unconstitutional or invalid for any reason, the re-

mainder shall, nevertheless, be in full force and effect; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

S. B. No. 101, A bill to be entitled "An Act granting permission to The Gainesville Red River Bridge Company to sue the State Highway Commission as such, and the State of Texas upon a purported contract; fixing venues; making an appropriation to cover the expenses of the Attorney General in defending such suit; providing for the payment of any judgment which may be recovered against the Highway Commission as such and/or the State of Texas; providing for appeals; and declaring an emergency."

S. B. No. 70, A bill to be entitled "An Act to authorize certain counties, cities, towns, independent school districts, common school districts, water improvement districts, water control and improvement districts, navigation districts, drainage districts, and other municipal corporations; and non-profit private corporations, authorized and existing under the Constitution and Laws of this State, to borrow money, and to receive grants and other aid from the Government of the United States, the Federal Emergency Administrator of Public Works, the Reconstruction Finance Corporation, the Federal Reserve Banks, and any and all other fiscal agencies of the Government of the United States, authorized to make loans or grants; and to authorize such counties, cities, towns, and other public municipal corporations, above enumerated and described, to issue warrants, or other obligations of such corporations as evidence of such loans; and authorizing any and all such counties, cities, towns, and other public municipal corporations to pledge taxes and other prospective revenues, for which provision is made under the Constitution and Laws of this State for the repayment of such loans; and declaring an emergency; and authorizing non-profit corporations to lend or grant aid to persons entitled thereto."

With amendments.

S. B. No. 57, A bill to be entitled "An Act authorizing navigation districts without the voting of bonds or levying of taxes to acquire, purchase, take over, construct, enlarge,

extend, repair, maintain, operate or develop wharves, docks, warehouses, grain elevators, bunkering facilities, belt railroads, floating plants and facilities, lightering, barges, towing facilities and all other facilities or aids incident to or necessary toward the operation or development of ports or waterways within such districts, and to borrow money therefor from the Federal Emergency Administration of Public Works, or other department or agency of the United States Government, and to mortgage and encumber any part or all of such properties, plants, facilities and aids and the revenues and income to be derived therefrom to secure payment thereof, authorizing the issuance of obligations for the repayment thereof from such sources, authorizing the making of all contracts, leases and agreements in connection with such matters, providing if any part of this Act shall be held invalid it will not affect the remainder of the Act, and declaring an emergency."

With amendments.

H. B. No. 179, A bill to be entitled "An Act making appropriations to pay miscellaneous claims out of the General Fund; authorizing the payment of certain sums out of the Highway Fund; authorizing payment of said miscellaneous claims on the taking effect of this Act."

S. B. No. 32, A bill to be entitled "An Act to aid the city of Palacios and the village of Collegeport, both situated in Commissioners' Precinct Number 3 of Matagorda County, Texas, in constructing and maintaining sea walls, breakwaters, shore protection, in order to protect said city and village from calamitous overflows by donating to them eight-ninths (8/9) of the ad valorem taxes collected on all property, both real and personal, in Commissioners' Precinct Number 3 of Matagorda County, Texas, for a period of thirty years; providing for a commission to construct such sea walls, breakwaters and shore protection; providing for compensation for members of said commission; providing a penalty for misapplication of the moneys thus donated; and declaring an emergency."

S. B. No. 52, A bill to be entitled "An Act making an appropriation to reimburse growers and producers of cotton for expenses incurred during

the years of 1929 through 1932, by reason of the establishment by the State of Texas of regulations requiring such growers and producers to pay for fumigation of cotton and sterilization of seed, and also to pay expenses of the Compensation Claim Board in carrying out the provisions of this Act; providing no claim shall be paid from this fund unless same has been allowed by the Compensation Claim Board or by judgment as provided in Chapter 111, Title 4, Revised Civil Statutes of Texas of 1925, and as provided in Chapter 42, Acts of the Regular Session, Forty-first Legislature; providing none of said fund shall be used to reimburse anyone for land not planted to cotton by order of the Pink Bollworm Commission creating a non-cotton zone; providing that the certificate of the chairman of the board, approved by the State Commissioner of Agriculture shall be sufficient evidence to the Comptroller from which he shall audit the claims of persons, firms and corporations and members of the Compensation Claim Board for the issuance of warrants to cover the respective amounts; providing if any part of this Act is declared unconstitutional or invalid it shall not affect the validity of the remainder; providing no money herein appropriated shall be paid for commissions or fees to any person for securing passage of this bill; providing if money herein appropriated is insufficient to pay the claims of all growers and producers in full, then it shall be prorated, and declaring an emergency."

S. B. No. 24, A bill to be entitled "An Act making an appropriation for the preparation, checking, investigation and correction of the scholastic census, to the State Department of Education, etc."

S. B. No. 97, A bill to be entitled "An Act creating a water conservation and reclamation district, as a public corporation under Section 59, Article 16 of the Constitution of Texas, to be known as 'The Guadalupe River Authority'; defining the territory of such district; prescribing the purposes, authority, powers and privileges of such corporation; providing for directors of the corporation, their term of office, their compensation, their powers and duties, and for the employment by them of a secretary, manager, attorneys, au-

ditors, engineers and other assistants; providing that the corporation may enter into contracts and other obligations, acquire and hold property, sue and be sued in its corporate name, for the borrowing of money, the issuance of bonds, notes and other obligations, and encumbering and pledging of the property of the corporation; providing for the deposit, withdrawal and disbursement of funds, financial statements and disposition of net earnings; and declaring an emergency."

(With amendments.)

S. B. No. 48, A bill to be entitled "An Act authorizing the State Comptroller of Public Accounts to prescribe and prepare forms to be used in all counties not having a county auditor in the collection and disbursement of revenues, funds, fees, and other moneys, and to prescribe the mode and manner of keeping and stating their financial accounts; authorizing the State Comptroller to make a survey and study of the financial records, reports, books, and forms now in use by the counties of this State, and to make such revision and to prescribe such forms which may be necessary; and authorizing the State Comptroller to employ a certified public accountant for said purposes; making an appropriation; and declaring an emergency."

S. B. No. 85, A bill to be entitled "An Act authorizing the temporary closing and suspension of State banks, bank and trust companies under certain conditions for the purpose of conserving the assets thereof and formulating and executing a plan of liquidation or reorganization, providing for the appointment of a depositors committee to examine and investigate the condition of the suspended bank and to formulate and recommend a plan of liquidation or reorganization, and permitting such plan when approved by the Banking Commissioner of Texas and depositors and other creditors of the bank representing at least seventy-five per cent in amount of its total deposits and other liabilities, authorizing the proper administrative official, officials, board or tribunal in charge of deposits or funds belonging to the State of Texas, any county, city, common school district, independent school district, or other political subdivision of this State to participate in and agree to such plan.



of liquidation or reorganization and prescribing the duties of the Banking Commissioner in such cases and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### House Bill No. 10.

The Chair laid before the Senate as special order the following bill:

H. B. No. 10, A bill to be entitled "An Act amending Title 126, Revised Civil Statutes, 1925, and Title 19 of the Penal Code of Texas, by adding a new article to each of said titles, to be known as Article 7438-a, Revised Civil Statutes of 1925, and Article 1644-a, Penal Code of Texas, so as to provide for and authorize an additional defense in all suits, actions, or prosecutions under said titles; and providing that such defense shall not be available in any pending cause or in any cause of action, whether sued upon or not, for any act, trade practice, or agreement committed, performed, or attempted to be performed prior to the adoption and approval of any code, trade practice, license, or agreement legally approved, performed, or issued under the terms of the National Industrial Recovery Act; and providing for the additional remedy of injunction by the State for violations of the provisions of such titles in addition to all other penalties now provided by law; and providing for the duration and termination of this Act, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The six committee amendments were adopted.

The bill was read second time.

Senator Woodward sent up the following amendments:

Amend H. B. No. 10 by adding after the word "them," line , page 1, the following:

"Whether they occupy the position of plaintiff or defendant in such suit, action or prosecution."

WOODWARD.

Read and adopted.

Amend H. B. No. 10 by inserting the following at the end of Section 4:

The defense afforded by this Act shall not be available unless within thirty days after the approval by the President of any code, code agree-

ment or the issuance of any proclamation by the President, there is filed in the office of the Attorney General at Austin, Texas, a certified copy of the code, code agreement or proclamation containing the trade agreement, trade practice and/or code agreement authorizing the particular act, trade practice or trade agreement, upon which said person relies as a defensive fact as authorized by this Act.

WOODWARD.

Read and adopted.

Senator Murphy sent up the following amendment:

Amend H. B. No. 10 by adding after the word "Act" on line 34 of Section 4 on page 2 the words "to-wit, June 16, 1935".

MURPHY.

Read and adopted.

Senator Martin sent up the following amendment:

Amend H. B. No. 10, by inserting between Sections 1 and 2 thereof, the following paragraphs and by renumbering the sections accordingly.

"Sec. 2. (a) No person, natural or artificial, shall refrain from complying with the provisions of any code of fair competition, agreement or license, approved, prescribed, or issued under the terms of the National Industrial Recovery Act, or of any proclamation issued by the President thereunder, on the ground that he is not engaged in transactions in, or affecting "interstate or foreign commerce" as defined in paragraph (d) of Section 7 of Title 1 of the National Industrial Recovery Act.

"(b) The terms and conditions of any code of fair competition, agreement or license approved, prescribed or issued under the terms of the National Industrial Recovery Act for any trade or industry or subdivision thereof or by any proclamation issued by the President under the authority thereof, shall be considered as the standards of fair competition for such trade or industry or subdivision thereof in all its transactions within this State except as hereinafter limited by this Act.

"Sec. 3. Any act or practice in violation of the terms of any code of fair competition, or the violation of any agreement or license approved, prescribed or issued, under the terms of the National Industrial Recovery Act, or of any proclamation by the

President under the terms thereof, shall be considered as an unfair method of competition.

"Sec. 4. The Attorney General of the State of Texas may institute a suit to restrain and enjoin any violation of any agreement or any provision thereof, and any person found to be violating the terms of any such code agreement, license or proclamation or any provision thereof, shall be enjoined from a continuation thereof and shall be liable for such actual damages as the court or jury may find to be justified under the evidence; and in addition thereto, whether actual damages are proven or not, such person shall be subject to punitive damages in any sum not exceeding five hundred dollars for each violation, and each day of such violation shall be deemed separate violations. The District Courts of this State are hereby invested with jurisdiction to entertain such suits."

MARTIN.

The amendment was read.

Senator Woodward called for a division.

The first part of the amendment [Section 2 (a)] was adopted by the following vote:

Yeas—15.

Blackert.	Rawlings.
Cousins.	Redditt.
Fellbaum.	Regan.
Holbrook.	Sanderford.
Hopkins.	Small.
Hornsby.	Woodul.
Martin.	Woodward.
Murphy.	

Nays—13.

Collie.	Pace.
DeBerry.	Parr.
Duggan.	Poage.
Greer.	Purl.
Moore.	Stone.
Neal.	Woodruff.
Oneal.	

Absent.

Beck.	Russek.
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Absent—Excused.

Patton.

The second part of the amendment [Section 2 (b)] was lost by the following vote:

Yeas—11.

Beck.	Regan.
Cousins.	Russek.
Fellbaum.	Sanderford.
Holbrook.	Woodul.
Martin.	Woodward.
Redditt.	

Nays—12.

Collie.	Murphy.
DeBerry.	Oneal.
Duggan.	Pace.
Greer.	Poage.
Hornsby.	Purl.
Moore.	Woodruff.

Present—Not Voting.

Blackert.

Absent.

Hopkins.	Rawlings.
Parr.	Stone.

Absent—Excused.

Patton.

(Pair Recorded.)

Senator Neal (present) who would vote nay, with Senator Small (absent) who would vote yea.

The third part of the amendment [Section 3] was lost by the following vote:

Yeas—9.

Blackert.	Redditt.
Cousins.	Russek.
Holbrook.	Sanderford.
Hornsby.	Woodul.
Martin.	

Nays—17.

Beck.	Pace.
Collie.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Regan.
Greer.	Stone.
Moore.	Woodruff.
Murphy.	Woodward.
Oneal.	

Absent.

Hopkins.	Parr.
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Absent—Excused.

Patton.

(Pair Recorded.)

Senator Neal (present) who would vote nay, with Senator Small (absent) who would vote yea.

The last part of the amendment [Section 4] was lost by the following vote:

**Yeas—8.**

Blackert.	Martin.
Cousins.	Redditt.
Fellbaum.	Sanderford.
Holbrook.	Woodul.

**Nays—18.**

Beck.	Pace.
Collie.	Parr.
DeBerry.	Poage.
Duggan.	Purl.
Greer.	Rawlings.
Hornsby.	Regan.
Moore.	Stone.
Murphy.	Woodruff.
Oneal.	Woodward.

**Absent.**

Hopkins.	Russek.
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**Absent—Excused.**

Patton.

**(Pair Recorded.)**

Senator Neal (present) who would vote nay, with Senator Small (absent) who would vote yea.

The bill was passed to third reading.

On motion of Senator Woodul, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 10 was put on its third reading and final passage by the following vote:

**Yeas—29.**

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Stone.
Martin.	Woodruff.
Moore.	Woodul.
Murphy.	Woodward.
Neal.	

**Absent—Excused.**

Patton.	Small.
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Read third time and finally passed by the following vote:

**Yeas—20.**

Blackert.	Oneal.
Cousins.	Parr.
Duggan.	Poage.
Fellbaum.	Purl.
Greer.	Redditt.
Holbrook.	Reagan.
Hornsby.	Sanderford.
Martin.	Stone.
Murphy.	Woodul.
Neal.	Woodward.

**Nays—5.**

Collie.	Pace.
DeBerry.	Woodruff.
Moore.	

**Present—Not Voting.**

Beck.	Rawlings.
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**Absent.**

Hopkins.	Russek.
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**Absent—Excused.**

Patton.	Small.
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Senator Woodul moved to reconsider the vote by which the bill was finally passed. The motion prevailed.

The bill was finally passed by the following vote:

**Yeas—21.**

Beck.	Parr.
Blackert.	Purl.
Cousins.	Redditt.
Duggan.	Reagan.
Fellbaum.	Russek.
Holbrook.	Sanderford.
Hornsby.	Stone.
Martin.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

**Nays—5.**

Collie.	Moore.
DeBerry.	Pace.
Greer.	

**Present—Not Voting.**

Rawlings.

**Absent.**

Hopkins.	Poage.
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**Absent—Excused.**

Patton.	Small.
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**Message From the House.**

Hall of the House of Representatives,  
Austin, Texas, October 12, 1933.  
Hon. Edgar E. Witt, President of the  
Senate.

Sir: I am directed by the House  
to inform the Senate that the House  
has granted the request of the Sen-  
ate for the appointment of a Confer-  
ence Committee to consider the dif-  
ferences between the two Houses on  
S. B. No. 57. The following are con-  
ferrees on the part of the House:

McDougald, McKee, Van Zandt,  
Celaya, Bedford.

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

**Representative Johnson Speaks.**

The Chair introduced Representa-  
tive A. P. Johnson, who briefly ad-  
dressed the Senate.

**Conference Requested.**

On motion of Senator Cousins,  
the Senate refused to concur in the  
House amendments to S. B. No. 57,  
and requested the appointment of a  
Free Conference Committee.

The Chair appointed the following  
on the part of the Senate:

Senators Cousins, Sanderford,  
Hopkins, Holbrook, Woodward.

**Motion to Concur.**

Senator Parr moved to concur in  
the House amendment to S. B. No.  
70.

The motion prevailed by the fol-  
lowing vote:

**Yeas—26.**

Blackert.	Parr.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.

**Nays—2.**

Collie.	DeBerry.
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**Absent.**

Beck.	Moore.
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**Absent—Excused.**

Patton.

**H. C. R. No. 53.**

Senator Hornsby received unani-  
mous consent to take up:

H. C. R. No. 53, Suspending Joint  
Rule No. 23 on H. B. No. 150.

Read and adopted.

**Message From the House.**

Hall of the House of Representatives,  
Austin, Texas, October 12, 1933.  
Hon. Edgar E. Witt, President of the  
Senate.

Sir: I am directed by the House  
to inform the Senate that the House  
has passed the following bill:

H. B. No. 150, A bill to be entitled  
"An Act amending Article 7283, of  
the Revised Civil Statutes of Texas,  
1925, reducing the cost of redeeming  
land sold for taxes, and specifying  
the time for redemption and the  
money to be paid therefor, and de-  
claring an emergency."

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

**Resolutions Signed.**

The Chair, President Pro Tem.  
George C. Purl, gave notice of sign-  
ing, and did sign, in the presence of  
the Senate, after their captions had  
been read the following resolutions:

H. C. R. No. 43,	H. C. R. No. 47,
H. C. R. No. 45,	H. C. R. No. 24,
S. C. R. No. 46,	

**House Bill No. 132.**

The Chair laid before the Senate,  
as special order, the following bill:

H. B. No. 132, A bill to be entitled  
"An Act making an additional allo-  
cation and appropriation of the reve-  
nues derived from the tax levied and  
collected on the gross sales of gas  
transmission lines, by the provisions  
of Article 6060, Revised Civil Stat-  
utes, for the use of the Gas Utilities  
Division of the Railroad Commis-  
sion in enforcing the provisions of  
Article 6050 et seq., Revised Civil  
Statutes, relative to the regulation  
of gas utilities; limiting the amount  
to be used during any twelve months'  
period to \$70,000, as provided in  
Article 6066, and in all events to  
the amount of revenue collected in  
any such twelve months' period if  
a lesser sum be collected, etc., and  
declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Oneal, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 132 was put on its third reading and final passage by the following vote:

**Yeas—29.**

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Stone.
Martin.	Woodruff.
Moore.	Woodul.
Murphy.	Woodward.
Neal.	

**Absent—Excused.**

Patton. Small.

Read third time and finally passed by the following vote:

**Yeas—29.**

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Stone.
Martin.	Woodruff.
Moore.	Woodul.
Murphy.	Woodward.
Neal.	

**Absent—Excused.**

Patton. Small.

**House Bills Referred.**

H. B. No. 179, referred to Committee on Finance.

H. B. No. 150, referred to Committee on State Affairs.

**H. C. R. No. 27.**

The Chair laid before the Senate: H. C. R. No. 27, Granting Judge J. D. Campbell leave of absence from the State.

The resolution was read.

Senator Purl sent up the following amendment:

Amend H. C. R. No. 27 by adding names of

Judge Royal Watkins,  
Judge Rupert B. Allen,  
Judge Tom Wonk,  
Judge Toune Young,  
Judge Grover C. Adams,  
Judge Claude McCallum,  
Judge Noland Williams,  
Judge W. M. Taylor,  
District Judges of Dallas County.  
PURL.

Read and adopted.

Senator Woodul sent up the following amendment:

Amend H. C. R. No. 27, by adding thereto the following:

Judge Chas. E. Ashe, 11th District,  
Judge Ewing Boyd, 55th District,  
Judge Ben Wilson, 61st District,  
Judge Roy F. Campbell, 80th District,  
Judge Allen Hannay, 113th District.

WOODUL.

Read and adopted.

The resolution as amended was adopted.

**H. C. R. No. 23.**

The Chair laid before the Senate: H. C. R. No. 23, Relative to re-enacting certain legislation.

The resolution was read.

On motion of Senator Stone the resolution was laid on the table subject to call.

**H. C. R. No. 29.**

The Chair laid before the Senate: H. C. R. No. 29, Permitting Martin Brothers to sue the State.

The committee report recommending that the resolution be not printed was adopted by unanimous consent.

Read and adopted.

Senators Poage and DeBerry asked to be recorded as voting "No."

**H. C. R. No. 7.**

The Chair laid before the Senate: H. C. R. No. 7, Proposing investi-

gation of violation of anti-nepotism laws in State Departments.

The committee report recommending that the resolution be not printed was adopted by unanimous consent.

Read and adopted.

#### H. C. R. No. 15.

The Chair laid before the Senate: H. C. R. No. 15, Permitting J. F. Hollis to sue the State.

Read and adopted.

Senators Poage and DeBerry asked to be recorded as voting "No."

#### H. C. R. No. 22.

The Chair laid before the Senate: H. C. R. No. 22, Permitting W. A. Morgan to sue the State.

Senator Poage raised the point of order that the resolution was not on the calendar.

The Chair, Senator Rawlings, sustained the point of order.

Senator Woodruff moved to suspend the regular order of business and take up the resolution.

Senator Woodul raised the point of order that the calendar was incorrect.

Senator Woodruff raised the further point of order that resolutions preceded House Bills.

Senator Woodruff withdrew the motion to take up the resolution.

#### House Bill No. 131.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 131, A bill to be entitled "An Act appropriating twenty-five thousand dollars (\$25,000.00) to purchase anti-rabic serum for issuance to public health officers of cities and counties in this State, to be used to treat indigent persons only where an epidemic of rabies exists, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The two committee amendments were adopted.

The bill was read second time.

Senator Woodruff moved to recess until 8 o'clock p. m. The motion was lost.

The bill was passed to third reading.

On motion of Senator Beck, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 131 was put on its third reading and final passage by the following vote:

#### Yeas—25.

Beck.	Pace.
Blackert.	Parr.
Collie.	Purl.
Cousins.	Redditt.
DeBerry.	Regan.
Duggan.	Russek.
Fellbaum.	Sanderford.
Greer.	Small.
Hornsby.	Stone.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

#### Nays—3.

Holbrook.	Rawlings.
Poage.	

#### Absent.

Hopkins.	Murphy.
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#### Absent—Excused.

Patton.

Read third time and finally passed by the following vote:

#### Yeas—22.

Beck.	Parr.
Collie.	Purl.
Cousins.	Redditt.
Duggan.	Regan.
Fellbaum.	Russek.
Greer.	Sanderford.
Hornsby.	Small.
Moore.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.

#### Nays—5.

Blackert.	Poage.
DeBerry.	Rawlings.
Holbrook.	

#### Present—Not Voting.

Martin.

#### Absent.

Murphy.

#### Absent—Excused.

Hopkins.	Patton.
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**Pages Excused.**

On motion of Senator Purl, the pages were excused for dinner.

**House Bill No. 150.**

The Chair laid before the Senate, by unanimous consent, the following bill:

H. B. No. 150, A bill to be entitled "An Act amending Article 7283, of the Revised Civil Statutes of Texas, 1925, reducing the cost of redeeming land sold for taxes, and specifying the time for redemption and the money to be paid therefor, and declaring an emergency."

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 150 was put on its second reading by the following vote:

**Yeas—28.**

Beck.	Pace.
Blackert.	Parr.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Fellbaum.	Reagan.
Greer.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

**Nays—1.**

Holbrook.

**Absent.**

Murphy.

**Absent—Excused.**

Patton.

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 150 was put on its third reading and final passage by the following vote:

**Yeas—28.**

Beck.	Pace.
Blackert.	Parr.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Greer.	Reagan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

**Nays—1.**

Fellbaum.

**Absent.**

Murphy.

**Absent—Excused.**

Patton.

Read third time and finally passed by the following vote:

**Yeas—26.**

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Redditt.
Duggan.	Regan.
Fellbaum.	Russek.
Greer.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

**Nays—3.**

Holbrook.  
Pace.

Rawlings.

**Absent.**

Hopkins.

Murphy.

**House Bill No. 17.**

Senator Regan called up from the table the following bill:

H. B. No. 17, A bill to be entitled "An Act amending Chapter 220, Acts of the Forty-third Legislature, Regular Session, page 734, by adding thereto Section 5-a (Article 3886-a); providing for the maximum compensation for district attorneys and

county attorneys in all counties in this State having a population of one hundred thousand and one (100,001) and not more than one hundred and fifty thousand (150,000) inhabitants, and containing a city having a population in excess of seventy-five thousand (75,000) inhabitants, according to the last preceding Federal census, etc., and declaring an emergency."

Senator Regan sent up the following amendments:

Amend H. B. No. 17, by striking out all below the enacting clause and inserting in lieu thereof the following:

"Section 1. That Chapter 220, Acts of the Forty-third Legislature of the State of Texas, Regular Session, page 734, be and the same is hereby amended by adding thereto another Section, to be known as Section 5-A, which shall hereafter read as follows:

'Section 5-A: Article 3886-A.

In all counties in this State having a population of one hundred and twenty-five thousand and one (125,001) inhabitants and not more than one hundred and fifty thousand (150,000) inhabitants, according to the last preceding Federal Census and being in a judicial district composed of two or more counties, the district attorney of any such judicial district in this State, if and when in his judgment the efficient conduct of his office so requires may, with the consent and approval of the commissioners' court, and in addition to such of his assistants as are or may be paid by the State, appoint not to exceed two (2) assistant district attorneys, each of whom shall receive a salary of not more than three thousand two hundred (\$3,200.00) dollars per annum. Such district attorney may also, with the consent and approval of the commissioners' court, appoint one stenographer who shall receive a salary of not more than twenty-four hundred (\$2,400.00) dollars per annum. Such district attorney may also, with the consent and approval of the commissioners' court, appoint two investigators, each of whom shall receive a salary of not more than twenty-four hundred (\$2,400.00) dollars per annum. The salaries of such assistant district attorneys, stenographers, and investigators shall be fixed by the said commissioners' court and shall be pay-

able out of the general fund of such county, upon the certificate of the district attorney aforesaid. The commissioners' court of such county is hereby authorized to set aside each year a sum not to exceed fifteen hundred (\$1,500.00) dollars, to be expended by such district attorney in preparation and conduct of the criminal affairs of his office. This sum is to be expended upon sworn claim of such district attorney, to be approved by the county judge of such county and shall be payable out of the general fund of such county.

In addition to the above the county attorney in each of such counties, when and if in his judgment the efficient conduct of his office so requires may with the consent and approval of the commissioners' court appoint two assistant county attorneys, each of whom shall have the qualifications of county attorneys, and each of whom shall receive a salary of not more than three thousand (\$3,000.00) dollars per annum; such salary to be fixed and determined by the commissioners' court of such counties. The county attorney in such counties may also appoint, with the consent and approval of the commissioners' court, one assistant county attorney, who need not possess the qualifications of county attorneys, who shall act as stenographer and/or investigator and perform such other duties as may be assigned to him by such county attorney; such assistant county attorney shall receive a salary of not to exceed eighteen hundred (\$1,800.00) dollars per annum. Such salaries herein above set out shall be paid monthly by the commissioners' court, out of the general fund of such counties, upon the certificate of the county attorney.

The county attorney in such counties may also appoint, with the consent and approval of the commissioners' court, an assistant county attorney to assist in the filing and prosecuting of tax suits. Such assistant county attorney shall receive such salary as the commissioners' court may determine, not to exceed twenty-four hundred (\$2,400.00) dollars per annum, said salary to be paid monthly out of a percentage of all delinquent taxes collected.

Should such district and/or county attorney aforesaid be of the opinion



that the number of assistants, stenographers, investigators or other employees above provided for are inadequate for the proper investigation of crime, and the efficient performance of the duties of said office, he may, with the advice and consent of the county commissioners' court, appoint additional assistants, deputies or clerks, under the provisions and limitations of Article 3902, Revised Civil Chapter 220.' "

Sec. 2. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 3. This Act shall become effective on and after January 1, 1934.

Sec. 4. The fact that in the passage of Chapter 220, Acts of the Regular Session of the Forty-third Legislature, page 734, no adequate provision was made for the appointment and compensation of assistant district and/or county attorneys, investigators and stenographers and office expenses for said district and/or county attorneys in such counties which omission and failure to so provide will result in a complete breakdown of law enforcement in such counties unless adequate provision is now made for same, and that the language of said Act makes it doubtful whether or not said district and/or county attorneys in such counties will have authority to appoint and compensate such assistants and employees, and that the fees of office in such counties are wholly inadequate to provide any efficient and adequate enforcement of the laws in such counties, and the fact that the county and district attorneys in such counties are called on and required to perform many duties for which no fee or other compensation is provided, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be and the same is hereby suspended, and this Act shall take effect from and after January 1, 1934, and it is so enacted.

REGAN.

Read and adopted.

Amend H. B. No. 17, by amending the caption to conform to the body of the bill as amended.

REGAN.

Read and adopted.

The bill was passed to third reading.

On motion of Senator Regan the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 17 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Pace.
Blackert.	Parr.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Fellbaum.	Regan.
Greer.	Russek.
Holbrook.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Hopkins. Patton.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Parr.
Blackert.	Poage.
Collie.	Purl.
Cousins.	Rawlings.
Duggan.	Redditt.
Fellbaum.	Regan.
Greer.	Russek.
Holbrook.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Nays—1.

DeBerry.

Absent.

Murphy.

Absent—Excused.

Hopkins. Patton.

Recess.

On motion of Senator Greer, the Senate, at 6:20 o'clock p. m., recessed until 8 o'clock p. m.

**After Recess.**

The Senate met at 8 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

**Message from the House.**

Hall of the House of Representatives, Austin, Texas, October 12, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 67, A bill to be entitled "An Act to validate the organization and creation of all school districts, including common school districts, independent school districts, consolidated common school districts, consolidated independent school districts, county line school districts, consolidated county line school districts, and rural high school districts, whether created by general or special law or county boards of trustees and boards of such districts; validating all proceedings and acts of said board of trustees, heretofore taken by such boards of trustees; validating all bonds, voted, authorized and/or sold and/or now outstanding of said districts; validating all tax levies made in behalf of said districts; making certain exceptions; and declaring an emergency."

S. B. No. 69, A bill to be entitled "An Act creating Valley conservation and reclamation district embracing the Counties of Cameron, Hidalgo and Willacy; defining powers and purposes for which said district is created; providing for appointment of directors and defining their powers and duties; authorizing said district to contract with and to receive grants from United States Government or any of its agencies or departments and with the State of Texas and its agencies and departments; making an appropriation to defray expenses of surveys, etc; authorizing State Departments of Reclamation and Health and the Texas Rehabilitation and Relief Commission to cooperate with, aid and assist said District, and declaring an emergency."

With amendments.

S. B. No. 94, A bill to be entitled "An Act to authorize the selection of school depositories for independent

school districts created by the Legislature prior to January 1, 1920, in certain counties regardless of the scholastic population of said districts and declaring an emergency."

S. B. No. 113, A bill to be entitled "An Act to amend Section 4 of Chapter 13, Acts of the First Called Session of the Thirty-ninth Legislature, and declaring an emergency."

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

**House Bill No. 83.**

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 83, A bill to be entitled "An Act creating a closed season upon wild deer, buck, doe, fawn, wild turkey, or pheasant for a period of five (5) years in the County of Erath, State of Texas, making it unlawful for any person to hunt, trap, ensnare, kill or attempt to kill, by any means whatsoever, any wild deer, buck, doe, fawn, wild turkey, or pheasant for a period of five (5) years; providing a penalty therefor, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time.

Senator Blackert substituted for H. B. No. 83, the following bill:

H. B. No. 81, A bill to be entitled "An Act providing a privilege license for any person before engaging in the business of Commercial Fisherman, Wholesale Fish Dealer, Retail Fish Dealer, Bait Dealer, Fish Guide; defining certain terms as used herein; or before operating a shrimp trawl, net or seine or oyster dredge for taking any aquatic life from the waters of this State for pay; naming the licenses and the fees to be paid for same; limiting the length of a seine which may be licensed and the size of the mesh of seine which may be licensed after September 1, A. D. 1934; providing aquatic products are subject to inspection by any employee of Game, Fish and Oyster Commission; providing a rebate for holders of licenses and permits heretofore issued by the Game, Fish and Oyster Commission; prescribing a penalty for violation of any provision of this Act; repealing all laws in conflict herewith and especially Articles 934,

936, 937, 938, 939, and 940 of the Penal Code of the State of Texas, and Articles 4031, 4032, 4033, 4034, and 4044 of the Revised Civil Statutes of the State of Texas of 1925; providing that all indebtedness due the State by reason of laws repealed shall remain valid; providing that no license shall be issued to any person delinquent in fees or taxes on aquatic products; providing all license fees are annual and effective dates of licenses; providing for the effective date of the Act; providing if any part of this Act is declared unconstitutional it shall not affect the validity of the remainder of the Act, and declaring an emergency."

On motion of Senator Blackert the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 81 was put on its second reading by the following vote:

## Yeas—30.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Reagan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

## Absent—Excused.

Patton.

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The committee amendment was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Blackert the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 81 was put on its third reading and final passage by the following vote:

## Yeas—30.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Reagan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

## Absent—Excused.

Patton.

Read third time and finally passed by the following vote:

## Yeas—30.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

## Absent—Excused.

Patton.

## House Bill No. 57.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 57, A bill to be entitled "An Act permitting the taking of pelts of fur-bearing animals for the purpose of sale in Jasper and Newton Counties during the months of December and January; making it unlawful to take such pelts or to employ a steel trap for taking any fur-bearing animal during any other months than December and January; providing a penalty; repealing all laws and parts of laws in conflict with this Act, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Redditt the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 57 was put on its third reading and final passage by the following vote:

## Yeas—30.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

## Absent—Excused.

Patton.

Read third time and finally passed by the following vote:

## Yeas—30.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

## Absent—Excused.

Patton.

## House Bill No. 204.

Senator Martin asked unanimous consent to take up out of its regular order H. B. No. 204.

Objection was heard.

Senator Martin moved to suspend the regular order and take up H. B. No. 204. The motion prevailed by the following vote:

## Yeas—21.

Beck.	Neal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Rawlings.
Fellbaum.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Stone.
Moore.	Woodul.
Murphy.	

## Nays—7.

DeBerry.	Poage.
Duggan.	Purl.
Greer.	Woodruff.
Oneal.	

## Absent—Excused.

Patton.	Woodward.
Small.	

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 204, A bill to be entitled "An Act to declare the validity of certain indebtedness arising out of the construction of State Highway No. 2 in the County of Johnson; to place such indebtedness on a parity with bonds, warrants, and other evidence of indebtedness heretofore authorized to be paid, etc., and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time.

Senator Rawlings raised the point of order that the time of Senator DeBerry (speaking) had expired, inasmuch as Senate Rule No. 15 applied to "engrossment" and not to "third reading."

The Chair, Lieutenant Governor Edgar E. Witt, overruled the point of order.

Senator Collie moved the previous question on the further consideration of the bill. The motion failed to receive the proper seconding.

Senator Collie moved the previous question on the passage of the bill to third reading. The motion was lost.

Senator Woodruff raised the point of order that this bill violated Sec-

tion 44, Article III, of the Constitution of Texas.

The Chair, Lieutenant Governor Edgar E. Witt, overruled the point of order.

On motion of Senator Martin, the bill was laid on the table subject to call.

#### House Bill No. 87.

Senator Stone asked unanimous consent to take up out of its regular order H. B. No. 87.

Objection was heard.

#### House Bill No. 31.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 31, A bill to be entitled "An Act to provide pension fund for employees in all cities containing more than One Hundred Thousand (100,000) inhabitants and less than One Hundred Twenty Thousand (120,000) inhabitants according to the last preceding Federal census, in counties containing more than Nine Hundred (900) square miles; providing for the creation of a Board of Trustees for the disbursement of said funds; directing the manner of disbursing said pension fund; and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The two committee amendments were adopted.

The bill was read second time.

Senator Rawlings sent up the following amendments:

Amend Committee Amendment No. 1 of House Bill No. 31 by striking out the words and figures, in line 3 of Section 1, "one hundred and twenty thousand (120,000)," and inserting in lieu thereof "one hundred and eighty-five thousand (185,000)."

RAWLINGS.

Read and adopted.

Amend the caption of House Bill No. 31 to conform to the body of the bill.

RAWLINGS.

Read and adopted.

Amend line 8 of Section 16, the emergency clause, so as to hereafter read "185,000" instead of "120,000."

RAWLINGS.

Read and adopted.

The bill was passed to third reading.

On motion of Senator Regan, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 31 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

Absent—Excused.

Patton.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

Absent—Excused.

Patton.

#### House Bill No. 146.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 146, A bill to be entitled "An Act to fix the salaries and compensation of county commissioners in counties with a population of not less than 22,296 nor more than 22,580, according to the last Federal census,

and providing for the manner and the fund from which said salaries shall be paid, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time.

Senator Pace sent up the following amendment:

Amend House Bill No. 146, page 1, by adding a new section, to be known as Section 1a, as follows:

"Section 1a. That the salaries and compensation of each of the county commissioners in counties with a population of not less than 9,962 nor more than 10,360 inhabitants according to the last Federal census as to population, shall be five (\$5) dollars per day for each day served as commissioner and when acting as ex-officio road superintendent in his precinct—the total salary, however, not to exceed the sum of one thousand (\$1,000) dollars in any one year for each commissioner."

And amend the caption to conform.  
PACE.

Read and adopted.

The bill was passed to third reading.

On motion of Senator Pace, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 146 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

Absent—Excused.

Patton.

Read third time and finally passed by the following vote:

Yeas—26.

Beck.	Parr.
Blackert.	Poage.
Cousins.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Neal.	Woodul.
Pace.	Woodward.

Nays—4.

Collie.	Murphy.
DeBerry.	Oneal.

Absent—Excused.

Patton.

House Bill No. 35.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 35, A bill to be entitled "An Act to make provision for: 1— (Section 1). The adoption of a home rule charter by counties in Texas, upon a vote of the qualified resident electors of such counties, all as provided in Section 3, Article IX, of the Constitution of the State of Texas; reference to such provisions of the Constitution here is made to the same effect as though it were embodied herein, etc.; and declaring an emergency."

Read second time.

Senator Rawlings sent up the following amendments:

Amend H. B. No. 35, page 15, line 8 from bottom of page, by inserting immediately following the word "votes" the phrase: "other than votes on organization."

RAWLINGS.

Read and adopted.

Amend H. B. No. 35, page 17, line 3 from top of page, by inserting the word "from" immediately following the word "select."

RAWLINGS.

Read and adopted.

Amend H. B. No. 35, page 29, line 7, of Section 15-A, by inserting the word "collectively" immediately following the words "kept and."

RAWLINGS.

Read and adopted.

Amend H. B. No. 35, line 7, of Section 21, last page, by inserting immediately following the word "orders" the words "and notices."

And line 8, of Section 21, last page, by inserting immediately following the word "petition" (before the closed parenthesis) the words: "conventions held or other acts done."

RAWLINGS.

Read and adopted.

Amend the caption to conform to the body of the bill.

RAWLINGS.

Read and adopted.

The bill was passed to third reading.

On motion of Senator Rawlings, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 35 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

Absent—Excused.

Patton.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

Absent—Excused.

Patton.

House Bill No. 87.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 87, A bill to be entitled "An Act prohibiting the use of a seine or net for taking fish from any of the waters of Bastrop County, excepting a minnow seine for the purpose of taking bait; providing a penalty, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Stone, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 87 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

Absent—Excused.

Patton.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Moore.
Blackert.	Murphy.
Collie.	Neal.
Cousins.	Oneal.
DeBerry.	Pace.
Duggan.	Parr.
Fellbaum.	Poage.
Greer.	Purl.
Holbrook.	Rawlings.
Hopkins.	Redditt.
Hornsby.	Regan.
Martin.	Russek.

Sanderford. Woodruff.  
Small. Woodul.  
Stone. Woodward.

Absent—Excused.

Patton.

### House Bill No. 85.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 85, A bill to be entitled "An Act authorizing any county, political subdivision, or defined district thereof to hold an election for the purpose of determining whether it will repurchase any road bonds sold and outstanding at the time of the passage of this Act, out of unexpended and unpledged funds received from the original sale of said bonds, and providing that said election shall be ordered and held in the same form and manner provided for in voting such road bonds; providing for the cancellation and destruction of such road bonds upon repurchase by reason of such election; etc., and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Small, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 85 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

Absent—Excused.

Patton.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

Absent—Excused.

Patton.

### House Bill No. 41.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 41, A bill to be entitled "An Act amending Article 2529, Chapter 1, Title 47, Revised Civil Statutes of 1925, as amended by Chapter 57, First Called Session, Fortieth Legislature, as further amended by Chapter 124, General Laws, Regular Session, Forty-first Legislature, and as further amended by S. B. No. 551, Chapter 240, General Laws, Regular Session, Forty-third Legislature, to authorize the State Depository Board to accept warrants drawn against the General Revenue Fund of the State as collateral to secure deposits made by the State in State depositories, etc., and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Purl, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 41 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Hopkins.
Blackert.	Hornsby.
Collie.	Martin.
Cousins.	Moore.
DeBerry.	Murphy.
Duggan.	Neal.
Fellbaum.	Oneal.
Greer.	Pace.
Holbrook.	Parr.



Poage.	Sanderford.
Purl.	Small.
Rawlings.	Stone.
Redditt.	Woodruff.
Regan.	Woodul.
Russek.	Woodward.

Absent—Excused.

Patton.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Pace.
Blackert.	Parr.
Collie.	Poage.
Cousins.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Nays—1.

DeBerry.

Absent—Excused.

Patton.

#### House Bill No. 93.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 93, A bill to be entitled "An Act granting the commissioners' court of Childress County, Texas, power to use all or any part of the interest collected on notes held by the said Childress County against Childress County school land in Bailey and Cochran Counties, Texas, etc., and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Small, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 93 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

Absent—Excused.

Patton.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

Absent—Excused.

Patton.

#### S C. R. No. 28.

Senator Purl sent up the following resolution:

Whereas, There are numerous House and Senate bills that have failed to receive consideration because of the operation of the "twenty-four hour" joint rule of the House and Senate; and,

Whereas, Many of the bills are vastly important and should receive consideration before the end of this session; therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That Joint Rule No. 11, of the Texas Legislature, in so far as the same applies to the consideration of bills within the last twenty-

four hours of the session, shall be and the same is hereby suspended for the remainder of this, the First Called Session of the Forty-third Legislature.

PURL.

Read and adopted unanimously.

#### House Bill No. 56.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 56, A bill to be entitled "An Act fixing the compensation of county commissioners in every county having a population of not less than 24,233 nor more than 24,333, according to the last preceding United States census, and prescribing how same shall be paid; providing that such shall be the salary of said commissioners so long as the taxable values of the county shall exceed the sum of ten million dollars for the next preceding year; fixing said salary when said taxable values are less than said sum, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time.

Senator Collie sent upon the following amendment:

Amend H. B. No. 56 by striking out all of line 8, Section 1, and insert in lieu thereof the following: "year shall not exceed eighteen hundred dollars (\$1,800.00) per year to be"

COLLIE.

Read and adopted.

Senator Moore sent up the following amendment:

Amend H. B. No. 56 as follows: By adding a new paragraph at the end of Section One (1), the following:

"In every county in this State having a population of not less than 46,180, nor more than 46,181, according to the last preceding Federal census, the compensation of each county commissioner, so long as the taxable value in said county shall not be less than \$22,000,000.00 for the next preceding year, shall be \$2,250.00 per year, to be paid in twelve equal monthly installments; and in every county in this State having a population of not less than 49,016 and not more than 49,017,

according to the last preceding Federal census, and the taxable value in said county shall not be less than \$20,000,000.00 for the next preceding year, shall receive an annual salary of \$1,800.00, to be paid in twelve equal monthly installments; and in every county in this State having a population of not less than 12,750 and not more than 12,800, according to the last preceding Federal census, and the taxable values in said county shall not be less than \$7,200,000.00 or more than \$7,225,000.00 for the next preceding year, shall receive an annual salary of not to exceed \$1200.00 to be paid in twelve equal monthly installments, which said salaries shall be paid as provided in Article 2350, of the Revised Civil Statutes of Texas, 1925; as amended by the Act of the Thirty-ninth Legislature, Regular Session, Chapter 135, Section 1; as amended by Act of the Fortieth Legislature, page 435, Chapter 490, Section 1; as amended by Act of the Fortieth Legislature, First Called Session, page 138, Chapter 46, Section 1; and as amended by Act of the Forty-third Legislature, Regular Session, page 727, Chapter 216, Section 1."

MOORE.

Read and adopted.

Senator Sanderford sent up the following amendment:

Amend H. B. No. 56 by including all counties having a tax valuation of not less than \$23,284,100 and not more than \$23,284,300, and fixing the salary of each county commissioner at \$1,920 per year.

SANDERFORD.

Read and adopted.

Senator Hornsby sent up the following amendment:

Amend H. B. No. 56 by striking out all below the enacting clause and inserting in lieu thereof the following:

That Article 2350, Chapter 44, of the Revised Civil Statutes of the State of Texas, 1925, as amended by Act of the Thirty-ninth Legislature, Regular Session, Chapter 135, Section 1; and as amended by Act of the Fortieth Legislature, page 435, Chapter 490, Section 1; and as amended by Act of the Fortieth Legislature, First Called Session, page 138, Chapter 46, Section 1; and as amended

by H. B. No. 555, Chapter 216, Act of the Regular Session of the Forty-third Legislature, be and the same is hereby amended by adding a new section after Section 1, to read as follows:

Except in all counties having an assessed valuation of more than Sixty-five Million Dollars (\$65,000,000) and less than Seventy-six Million Dollars (\$76,000,000) according to the last preceding tax roll, each commissioner shall receive a salary not to exceed Three Thousand Dollars (\$3,000) per year.

Except in all counties having an assessed valuation of more than Eighteen Million Dollars (\$18,000,000) and less than Eighteen Million Five Hundred Thousand Dollars (\$18,500,000) according to the last preceding tax roll, each commissioner shall receive a salary not to exceed One Thousand Eight Hundred Dollars (\$1,800) per year.

Except in all counties having an assessed valuation of more than Six Million Dollars (\$6,000,000) and less than Six Million Five Hundred Thousand (\$6,500,000) Dollars according to the last preceding tax roll, each commissioner shall receive an annual salary not to exceed One Thousand Three Hundred and Fifty Dollars (\$1,350).

Except in all counties having an assessed valuation in excess of Thirty Million Dollars (\$30,000,000) according to the last preceding tax roll, and having a population of more than sixty thousand (60,000) inhabitants and less than seventy thousand (70,000) inhabitants according to the last preceding Federal census, and having as many as two (2) cities with a population in excess of Thirteen Thousand Five Hundred (13,500) inhabitants according to the last preceding Federal census, each commissioner shall receive a salary not to exceed Two Thousand Four Hundred Dollars (\$2,400.00) per year.

Except in all counties having an assessed valuation of more than \$5,000,000 and less than Five Million Five Hundred Thousand Dollars (\$5,500,000) according to the last preceding tax roll, each commissioner shall receive an annual salary not to exceed Twelve Hundred Dollars (\$1200.00) per annum.

Except in all counties having an

assessed valuation in excess of Thirty Million Dollars (\$30,000,000) according to the last preceding tax roll and having a population of more than Sixty Thousand and less than Seventy Thousand (70,000) according to the last preceding Federal census and having as many as two cities with a population in excess of Thirteen Thousand Five Hundred (13,500) inhabitants according to the last preceding Federal census, each commissioner shall receive a salary not to exceed Two Thousand Dollars (\$2,000) per annum.

Except in all counties having an assessed valuation in excess of Forty-five Million Dollars (\$45,000,000) according to the last preceding tax roll and having a population of more than Seventy-seven Thousand, Seven Hundred (77,700) inhabitants and less than Seventy-eight Thousand according to the last preceding Federal census, each commissioner shall receive an annual salary of Twenty-four Hundred Dollars (\$2400.00) per annum payable \$200.00 per month.

Sec. 2. It is hereby expressly provided that if any section or portion of this bill should be declared invalid for any reason, it shall not affect any other part of the bill.

HORNSBY.

Read and adopted.

Senator Holbrook sent up the following amendment:

Amend H. B. No. 56 by adding at the end of Section 1 the following additional paragraph:

"Except in all counties having an assessed valuation of more than Twenty-three Million Seven Hundred Thousand (\$23,700,000) Dollars, and less than Twenty-three Million Nine Hundred Thousand (\$23,900,000) Dollars according to the last preceding tax roll, each commissioner shall receive an annual salary not to exceed Two Thousand Two Hundred and Fifty (\$2,250.00) Dollars, and a population not less than 17,000 and not more than 19,000 according to the last Federal census."

Read and adopted.

Senator Rawlings sent up the following amendment:

Amend H. B. No. 56, by adding thereto a new section to be numbered Section —, to read as follows:

"Sec. —. In counties having a population of not less than one

hundred sixty thousand (160,000) nor more than two hundred thousand (200,000), according to the preceding Federal census, each county commissioner shall be entitled to an allowance not to exceed the sum of fifty dollars (\$50.00) per month for each commissioner in payment of his traveling expenses and other legitimate and necessary expenses incident to the discharge of his official duties. All such claims shall be verified by such commissioner and approved by the county auditor and the commissioners' court."

RAWLINGS.

Read and adopted.

Senator Woodruff sent up the following amendment:

Amend H. B. No. 56 by adding "Except in counties having assessed valuation of more than \$10,255,000 and less than \$10,257,000, according to the tax rolls of the year 1933, in which county commissioners' salaries shall be \$1500.00 per year."

WOODRUFF.

Read and adopted.

Senator Greer sent up the following amendment:

Amend H. B. No. 56 by inserting Section 1A at the end of Section 1, the following:

"Section 1A. In all counties having a population of not less than 14,588, and not more than 14,800, according to the last available Federal census and each available Federal census thereafter, all county officers shall be entitled to receive the fees earned by their respective officers in accordance with the provisions of the Maximum Fee Bill, provided, however, that in such counties the maximum amount of fees which may be retained, including all excess fees, shall be \$6,000.00 for each officer, whose office earns sufficient fees to pay this amount. Each county officer earning in excess of \$6,000.00 shall make disposition of such excess in accordance with the provisions of the maximum fee bill. Each precinct commissioner shall be entitled to receive a salary not in excess of \$3,000.00 per annum. All county officers in counties hereby affected shall be entitled to deputies and assistants in the manner authorized in the Maximum Fee Bill."

PATTON.

Read and adopted.

Senator Rawlings sent up the following amendment:

Amend H. B. No. 56 by properly renumbering the sections thereof, and changing the emergency clause and caption to correspond to the body of the bill.

RAWLINGS.

Read and adopted.

The bill was passed to third reading.

On motion of Senator Collie, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 56 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

Absent—Excused.

Patton.

Read third time and finally passed by the following vote:

Yeas—18.

Beck.	Pace.
Collie.	Parr.
Cousins.	Rawlings.
Greer.	Regan.
Holbrook.	Sanderford.
Hopkins.	Small.
Hornsby.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Nays—7.

Blackert.	Oneal.
DeBerry.	Poage.
Fellbaum.	Stone.
Murphy.	

Present—Not Voting.

Purl.

Absent.

Duggan. Russek.

Absent—Excused.

Martin. Redditt.  
Patton.**House Bill No. 11.**

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 11, A bill to be entitled "An Act making an appropriation, to be paid out of the General Revenue Fund of the State of Texas, the sum of two thousand five hundred dollars (\$2,500.00), not otherwise appropriated, to pay for an electric frigid unit for the Governor's Mansion; to build a retaining wall on the north side of the grounds of the Governor's Mansion; to fill the low places on the north side of the grounds, and to do such other work as may be necessary, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Poage, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 11 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

Absent—Excused.

Patton.

Read third time and finally passed.

**House Bill No. 145.**

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 145, A bill to be entitled "An Act amending Article 1041, of the Revised Code of Criminal Procedure of Texas, by adding thereto Article 1041-a, providing for the compensation of jailers and/or turn-keys in all counties in the State having a population of one hundred thousand and one (100,001) inhabitants and not more than one hundred and fifty thousand (150,000) inhabitants, and containing two cities of fifty thousand (50,000) population or more, each according to the last preceding Federal census, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Cousins, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 145 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

Absent—Excused.

Patton.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Moore.
Blackert.	Neal.
Collie.	Pace.
Cousins.	Parr.
Duggan.	Poage.
Fellbaum.	Purl.
Greer.	Rawlings.
Holbrook.	Redditt.
Hopkins.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.

Small.  
Stone.  
Woodruff.

Woodul.  
Woodward.

Nays—3.

DeBerry.  
Murphy.

Absent—Excused.

Patton.

#### House Bill No. 147.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 147, A bill to be entitled "An Act to amend Article 1970, Section 94-b, of the Revised Civil Statutes of 1925, as amended by Chapter 16, Section 6, of the Acts of the Forty-first Legislature, relating to the salary paid the official court reporter of the County Court at Law, of Harris County, Texas."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Woodul, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 147 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

Absent—Excused.

Patton.

Read third time and finally passed by the following vote:

Yeas—26.

Beck.	Collie.
Blackert.	Cousins.

Duggan.	Poage.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Neal.	Woodruff.
Pace.	Woodul.
Parr.	Woodward.

Nays—4.

DeBerry.	Oneal.
Murphy.	Purl.

Absent—Excused.

Patton.

#### House Bill No. 102.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 102, A bill to be entitled "An Act providing for payment of the salary of the ex-officio superintendent of public instruction in all counties having not less than seven thousand six hundred and forty-five (7,645) and not more than seven thousand six hundred and ninety (7,690) population, according to the last preceding Federal census, from the county available school fund; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator DeBerry, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 102 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Moore.
Blackert.	Murphy.
Collie.	Neal.
Cousins.	Oneal.
DeBerry.	Pace.
Duggan.	Parr.
Fellbaum.	Poage.
Greer.	Purl.
Holbrook.	Rawlings.
Hopkins.	Redditt.
Hornsby.	Regan.
Martin.	Russek.

Sanderford. Woodruff.  
Small. Woodul.  
Stone. Woodward.

Absent—Excused.

Patton.

Read third time and finally passed  
by the following vote:

Yeas—28.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Nays—2.

Murphy. Stone.

Absent—Excused.

Patton.

#### House Bill No. 20.

The Chair laid before the Senate  
on its second reading the following  
bill:

H. B. No. 20, A bill to be entitled  
"An Act defining certain words,  
terms and phrases for the purpose  
of amending House Bill No. 578,  
Chapter 153, of the Acts of the  
Forty-third Legislature, so as to  
make it hereafter read as follows:  
'Providing and imposing a tax on  
sales in intrastate commerce in this  
State of cigarettes, according to their  
weight; providing that the payment  
of such tax shall be evidenced by  
stamps furnished by the State Treas-  
urer; etc., and declaring an emer-  
gency."

The committee report recommend-  
ing that the bill be not printed was  
adopted by unanimous consent.

The bill was read second time and  
passed to third reading.

On motion of Senator Greer, the  
constitutional rule requiring bills to  
be read on three several days was  
suspended and H. B. No. 20 was put  
on its third reading and final passage  
by the following vote:

Yeas—30.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stone.
Martin.	Sanderford.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

Absent—Excused.

Patton.

Read third time and finally passed  
by the following vote:

Yeas—22.

Blackert.	Neal.
Collie.	Oneal.
Cousins.	Pace.
Duggan.	Parr.
Fellbaum.	Poage.
Greer.	Purl.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Moore.	Woodruff.
Murphy.	Woodul.

Nay—1.

Stone.

Present—Not Voting.

DeBerry.

Absent.

Beck.

Absent—Excused.

Martin.	Redditt.
Patton.	Small.
Rawlings.	Woodward.

Motion to Concur.

Senator Hopkins moved to concur  
in the House amendments to S. B.  
No. 97. The motion prevailed.

Senator Blackert asked to be re-  
corded as voting "No."

#### House Bill No. 62.

The Chair laid before the Senate  
on its second reading the following  
bill:

H. B. No. 62, A bill to be entitled "An Act fixing the seasonal bag limit on wild deer during the open season in Comal County, for a period of one (1) year from and after the passage of this Act; providing a penalty; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Read second time.

Senator Blackert substituted for H. B. No. 62 the following bill:

H. B. No. 213, A bill to be entitled "An Act for the purpose of opening the waters of Lavaca Bay in Calhoun County, Texas, for shrimp trawling during the months of September, October, November and December of each year; opening Powder Horn Lake in Calhoun County, Texas, for seining during the months of December, January and February of each year; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Blackert, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 213 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

Absent—Excused.

Patton.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Collie.
Blackert.	Cousins.

DeBerry.	Parr.
Duggan.	Poage.
Fellbaum.	Purl.
Greer.	Rawlings.
Holbrook.	Redditt.
Hopkins.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.

Absent—Excused.

Patton.

### House Bill No. 78.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 78, A bill to be entitled "An Act to declare the validity of certain indebtedness arising out of the construction of State Highway No. 41, in the County of Real; to place such indebtedness on a parity with bonds, warrants, and other evidences of indebtedness heretofore authorized to be paid out of the County and Road District Highway Fund; providing for the payment of such indebtedness to Real County in trust for Captain Charles Schreiner, his heirs, and legatees; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Read second time.

Senator Holbrook moved to postpone indefinitely the further consideration of the bill. The motion prevailed by the following vote:

Yeas—14.

Collie.	Neal.
Cousins.	Oneal.
DeBerry.	Pace.
Duggan.	Poage.
Greer.	Purl.
Holbrook.	Sanderford.
Murphy.	Woodruff.

Nays—6.

Fellbaum.	Moore.
Hopkins.	Regan.
Hornsby.	Woodul.

Present—Not Voting.

Small.	Woodward.
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Absent.

Beck.	Blackert.
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**Absent—Excused.**

Martin. Redditt.  
Patton. Russek.  
Rawlings.

(Pair Recorded.)

Senator Parr (present) who would vote nay, with Senator Stone (absent) who would vote yea.

**S. C. R. No. 28.**

Senator DeBerry moved to reconsider the vote by which S. C. R. No. 28 was adopted and spread the motion on the Journal.

**House Bill No. 108.**

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 108, A bill to be entitled "An Act to provide that where a majority of the resident taxpayers being qualified electors of any city or town in this State having a population in excess of ten thousand (10,000) inhabitants, having voted at an election held in such city or town in favor of the expending of public funds in such city or town in carrying out the provisions of Chapter 10, General Laws of the Thirty-sixth Legislature, Regular Session, etc., and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

Read second time.

Senator Purl sent up the following amendment:

Amend H. B. No. 108 by adding after Section 2, the following sections and renumbering the subsequent sections:

Sec. 3. All pensions heretofore paid by any city under the terms of Chapter 10, General Laws of the Thirty-sixth Legislature, Regular Session, including all pensions paid subsequent to the enactment of S. B. No. 139, Chapter 94, Acts of the Forty-third Legislature, Regular Session, making said Act applicable only to certain cities and up to November 1, 1933, are hereby in all things expressly validated and legalized, and all persons to whom such pensions have been paid shall hereafter be deemed to be proper pensioners under the terms of H. B.

No. 30, Acts of the Forty-third Legislature, First Called Session.

Sec. 4. All pensioners added to the pension rolls as pensioners under the terms of Chapter 10, General Laws of the Thirty-sixth Legislature, Regular Session, but subsequent to the enactment of S. B. No. 139, Chapter 94, Acts of the Forty-third Legislature, Regular Session, making said Act applicable only to certain cities, shall hereafter be deemed proper and legal pensioners on the rolls of all cities wherein a pension system has been established under the terms of H. B. No. 30, Acts of the Forty-third Legislature, First Called Session.

Sec. 5. All cities included in the population brackets of H. B. No. 30, Acts of the Forty-third Legislature, First Called Session, shall hereafter from the effective date of this Act be deemed to have a pension system without the necessity of any election or any action on the part of the city council, and such city council or governing board shall immediately provide adequate funds for the payment of pensions under the terms of H. B. No. 30, and the terms of of this Act.

PURL.

Read and adopted.

Senator Regan sent up the following amendment:

Amend H. B. No. 108 by adding the language "and H. B. No. 31" after the language "H. B. No. 30" wherever the same occurs in the bill, and amend caption to conform to the body of the bill.

REGAN,  
RAWLINGS,

Read and adopted.

The bill was passed to third reading.

On motion of Senator Purl the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 108 was put on its third reading and final passage by the following vote:

Yeas—29.

Blackert.	Holbrook.
Collie.	Hopkins.
Cousins.	Hornsby.
DeBerry.	Martin.
Duggan.	Moore.
Fellbaum.	Murphy.
Greer.	Neal.

Oneal.	Russek.
Pace.	Sanderford.
Parr.	Small.
Poage.	Stone.
Purl.	Woodruff.
Rawlings.	Woodul.
Redditt.	Woodward.
Regan.	

Absent—Excused.

Beck.	Patton.
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Read third time and finally passed  
by the following vote:

Yeas—29.

Blackert.	Pace.
Collie.	Parr.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Absent—Excused.

Beck.	Patton.
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**House Bill No. 120.**

The Chair laid before the Senate  
on its second reading the following  
bill:

H. B. No. 120, A bill to be entitled  
"An Act amending Article 3937, Re-  
vised Civil Statutes of Texas, 1925,  
as amended by Chapter 20, Section  
7, Acts of the Fourth Called Session  
of the Forty-first Legislature, and  
as further amended, etc., and declar-  
ing an emergency."

The committee report recommend-  
ing that the bill be not printed was  
adopted by unanimous consent.

The bill was read second time.

On motion of Senator Fellbaum,  
the bill was laid on the table sub-  
ject to call.

**House Bill No. 90.**

The Chair laid before the Senate  
on its second reading the following  
bill:

H. B. No. 90, A bill to be entitled  
"An Act to amend Subdivision 9,  
Article 2135, Chapter 7, Title 42, of

the Revised Civil Statutes of the  
State of Texas, 1925, as amended by  
Acts, 1931, Forty-second Legislature,  
page 375, Chapter 221, Section 2, so  
as to provide that in cities and towns  
having a population of one thousand  
(1,000) or more inhabitants, accord-  
ing to the last preceding United  
States Census, the active members of  
organized fire companies, etc., and  
declaring an emergency."

The committee report recommend-  
ing that the bill be not printed was  
adopted by unanimous consent.

The bill was read second time and  
passed to third reading.

On motion of Senator Hopkins the  
constitutional rule requiring bills to  
be read on three several days was  
suspended and H. B. No. 90 was put  
on its third reading and final pas-  
sage by the following vote:

Yeas—30.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

Absent—Excused.

Patton.
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Read third time and finally passed  
by the following vote:

Yeas—27.

Blackert.	Parr.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Nays—2.

Collie.	Pace.
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## Absent—Excused.

Beck.

Patton.

## House Bill No. 79.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 79, A bill to be entitled "An Act amending Chapter 101, of the Special Laws of the Regular Session of the Forty-third Legislature, prohibiting the taking, killing, or possession of wild fox for the purpose of barter or sale, and prohibiting the use of steel traps for taking fur-bearing animals in certain counties, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The committee amendment was adopted.

The bill was read second time.

Senator Martin sent up the following amendment:

Amend H. B. No. 79, Section 1, by adding to the end of that section the words: "And Navarro." And amend the caption to conform.

MARTIN.

Read and adopted.

The bill was passed to third reading.

On motion of Senator Martin the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 79 was put on its third reading and final passage by the following vote:

## Yeas—30.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

## Absent—Excused.

Patton.

Read third time and finally passed by the following vote:

## Yeas—30.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

## Absent—Excused.

Patton.

## House Bill No. 184.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 184, A bill to be entitled "An Act amending Chapter 12, of the General and Special Laws of the Third Called Session of the Forty-second Legislature, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Cousins the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 184 was put on its third reading and final passage by the following vote:

## Yeas—30.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

## Absent—Excused.

Patton.

Read third time and finally passed by the following vote:

## Yeas—30.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

Absent—Excused.

Patton.

## House Bill No. 200.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 200, A bill to be entitled "An Act amending Articles 2525, 2528 and 2533, Chapter 1, Title 47, of the Revised Civil Statutes of Texas, 1925, as amended by Chapter 57, First Called Session, Fortieth Legislature, so as to authorize the State Depository Board to fix periodically a reasonable rate of interest to be paid by State Depositories and Reserve Depositories on State funds, in lieu of interest rates now specifically fixed by statute to be paid by such State Depositories and Reserve Depositories; amending Article 2537, and 2539, Chapter 1, Title 47, Revised Civil Statutes of Texas of 1925, to conform thereto; repealing Articles 2536, 2540, 2541, 2542 and 2543, Chapter 1, Title 47, Revised Civil Statutes of Texas of 1925, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Poage the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 200 was put on its third reading and final passage by the following vote:

## Yeas—30.

Beck.	DeBerry.
Blackert.	Duggan.
Collie.	Fellbaum.
Cousins.	Greer.

Holbrook.	Purl.
Hopkins.	Rawlings.
Hornsby.	Redditt.
Martin.	Regan.
Moore.	Russek.
Murphy.	Sanderford.
Neal.	Small.
Oneal.	Stone.
Pace.	Woodruff.
Parr.	Woodul.
Poage.	Woodward.

Absent—Excused.

Patton.

Read third time and finally passed by the following vote:

## Yeas—30.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

Absent—Excused.

Patton.

## House Bill No. 67.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 67, A bill to be entitled "An Act amending Section or Subsection 12, of Article 199, of the Revised Civil Statutes of 1925, as amended in 1931; and changing the times of holding the terms of the district courts in the Twelfth Judicial District of Texas; and changing the length of terms of the district courts of certain of the counties in said judicial district; and enacting necessary provisions with reference to processes, writs, bonds, recognizances, and with reference to grand petit jurors made necessary by the changes made by this Act, and validating and legalizing the same; providing that this Act shall take effect January 1, 1934, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Woodul the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 67 was put on its third reading and final passage by the following vote:

**Yeas—30.**

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

**Absent—Excused.**

Patton.

Read third time and finally passed by the following vote:

**Yeas—30.**

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

**Absent—Excused.**

Patton.

**House Bill No. 26.**

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 26, A bill to be entitled "An Act providing that all lands south of parallel of latitude 29° 25'

north, lying and being situated in Brewster and Presidio Counties, heretofore or hereafter purchased by the State for delinquent taxes and which are not redeemed within the time prescribed by law shall become the property of the State of Texas for park purposes, and shall be under the control of the Texas State Parks Board; providing for the execution of deeds to the State of Texas for park purposes and for filing of certified copies in the General Land Office and the keeping of certain records by the Commissioner of the General Land Office; providing for the exchange or sale of said lands and execution of necessary instruments of conveyance or transfer; etc., and declaring an emergency."

Read second time.

On motion of Senator Regan, the bill was laid on the table subject to call.

**Motion to Concur.**

Senator Parr moved to concur in the two House amendments to S. B. No. 69. The motion prevailed by the following vote:

**Yeas—27.**

Beck.	Parr.
Blackert.	Poage.
Cousins.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Pace.	

**Nays—2.**

Collie.	Oneal.
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**Present—Not Voting.**

DeBerry.

**Absent—Excused.**

Patton.

**House Bill No. 94.**

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 94, A bill to be entitled "An Act defining 'daily newspapers'

or 'newspaper,' 'consecutive days' or 'successive days,' and words of similar meaning, within the meaning of any law, city charter, or ordinance, or any Act of the Legislature creating any independent school district or any other municipal corporation; etc., and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Woodul the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 94 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

Absent—Excused.

Patton.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

Absent—Excused.

Patton.

### House Bill No. 186.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 186, A bill to be entitled "An Act creating a special and more efficient road system for Collin County in the State of Texas, and making county commissioners ex-officio road commissioners and prescribing their powers and duties as such, and providing for their compensation as such road commissioners; etc., and declaring an emergency."

On motion of Senator Moore the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 186 was put on its second reading by the following vote:

Yeas—30.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

Absent—Excused.

Patton.

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time.

Senator Purl sent up the following amendment:

Amend H. B. No. 186, by adding another section after Section —, of said bill to be numbered Section —, to read as follows:

Section —. Section 11 of H. B. No. 911, passed at the Regular Session of the Forty-third Legislature and known as Chapter 236 of the Acts of the Forty-third Legislature shall be and the same is hereby amended to hereafter read as follows:

"The commissioners' court of such counties may appoint a 'purchasing agent' for such county, whose duties, official bond and compensation shall be fixed by said commissioners' court, provided his compensation shall not exceed three thousand six hundred dollars (\$3,600.00) per year.

All purchases of every kind and character, whether of supplies, materials, equipment or machinery, shall be made through and by said purchasing agent, regardless of whether same are to be paid for by the county or by any officer out of the fees of his office. The above enumeration shall not be construed as exclusive.

Except in case of emergency no purchase or contract of any kind or character calling for the expenditure of public funds shall be made by said purchasing agent and/or the commissioners' court without first advertising for competitive bids, which said advertisement shall be inserted in a newspaper of general circulation published in said county for at least three (3) insertions and the time between the first and third insertion shall be at least two (2) weeks; and, in the event of an emergency, no single purchase of any kind and character including materials and supplies out of the general fund of such counties shall ever exceed an expenditure of one hundred and fifty (\$150.00) dollars, and no single purchase of any kind and character including supplies, materials, equipment or machinery out of the Road and Bridge Funds of such counties shall ever exceed the sum of Three Hundred Dollars (\$300.00). In the event of emergency purchases exceeding twenty-five (\$25.00) dollars out of the general fund and emergency purchases exceeding fifty (\$50.00) dollars out of the Road and Bridge Funds, said purchasing agent shall secure written offers from at least three (3) competitive concerns, if there be as many as three (3) competitive concerns in said county who will make written offers; and in the event of emergency purchases not exceeding twenty-five (\$25.00) out of the general fund and emergency purchases not exceeding fifty (\$50.00) dollars out of the Road and Bridge Fund, said purchasing agent shall secure written or verbal offers from at least three (3) com-

petitive concerns, if there be as many as three (3) competitive concerns in said county who will make written or verbal offers; said written offers and a record of said verbal offers, after completion of purchase thereunder, shall be filed with the county auditor.

The commissioners' court shall determine when an 'emergency' exists as hereinabove provided.

If any officer or any employee of the county wilfully attempts to or does evade the provision hereof regarding emergency purchases by any scheme or subterfuge, he shall be deemed guilty of malfeasance in office and upon conviction thereof shall be punished by a fine of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) or by imprisonment in the county jail of said county not more than one (1) year or by both such fine and imprisonment; and in addition thereto may be removed from office.

All advertisements calling for bids for contracts or supplies to be furnished the county or any officer or department of the county shall be published by order of the commissioners' court under the name of the county auditor and shall be returnable to him. Each bidder may be required to deposit with his bid a cashier's or certified check in the amount of five per cent (5%) or more of his bid. Said bid shall be opened in an open meeting of the commissioners' court and referred to the purchasing agent, and such other officials as may be designated by said court, and the purchasing agent and/or such committee as may be appointed by said court, shall tabulate same and return their findings to said court as soon as possible, with such recommendations, if any, as they may deem advisable. Said court shall award such contract to or accept such bid of the lowest and best bidder. The court shall have the right to reject any and all bids and their action in so doing shall be final.

At the time of the execution of any contract (exclusive of and except emergency purchase contracts) based on competitive bids, covering the delivery of supplies, materials, equipment or machinery, at different times or their performance of services at different times, and said contract ex-

tending over a period of time, then the successful bidder shall be required to post a bond in at least the amount of the contract, executed by good and sufficient sureties, to be approved by the commissioners' court, and conditioned upon the faithful performance of such contract.

The provisions of this section shall apply only to those counties included in the provision of said Chapter 236 of the Acts of the Forty-third Legislature and none other.

PURL.

The amendment was read.

On motion of Senator Moore, the bill was laid on the table subject to call.

#### House Bill No. 179.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 179, A bill to be entitled "An Act making appropriations to pay miscellaneous claims out of the General Fund; authorizing the payment of certain sums out of the Highway Fund; authorizing payment of said miscellaneous claims on the taking effect of this Act."

On motion of Senator Hopkins, the constitutional rule requiring

bills to be read on three several days was suspended and H. B. No. 179 was put on its second reading by the following vote:

Yeas—30.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

Absent—Excused.

Patton.

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time.

Senator Woodruff sent up the following amendment:

Amend H. B. No. 179 by adding the following:

To pay F. W. Woolworth Company account over-payment of franchise tax .....	\$ 1,398.00
To pay Wrought Iron Range Company account over-payment of franchise tax .....	5,352.00
To pay Fidelity National Bank & Trust Company account over-payment of franchise tax .....	1,922.00
To pay Wilson & Company account over-payment of franchise tax .....	1,407.00
To pay Willys-Overland, Inc., account over-payment of franchise tax .....	212.80
To pay Louis Werner Stave Company account over-payment of franchise tax .....	2,098.35
To pay Albert Weiblen Marble & Granite Co. account over-payment of franchise tax .....	733.00
To pay Webb Press Company account over-payment of franchise tax .....	896.00
To pay Waddell Investment Company account over-payment of franchise tax .....	266.20
To pay Union Bridge & Construction Company account over-payment of franchise tax .....	673.50
To pay W. E. Thomas Lumber Company account over-payment of franchise tax .....	499.65
To pay Studebaker Corporation of America account over-payment of franchise tax .....	465.00
To pay Standard Computing Scale Company account over-payment of franchise tax .....	481.00



To pay Sodeman Power & Light Company account over-payment of franchise tax .....	245.50
To pay The Progressive Farmer account over-payment of franchise tax .....	388.70
To pay The Power Manufacturing Company account over-payment of franchise tax .....	258.00
To pay Pittsburgh Filter & Engineering Co. account over-payment of franchise tax .....	582.00
To pay Pittsburgh Piping & Equipment Co. account over-payment of franchise tax .....	1,067.34
To pay Peters Eichler Company account over-payment of franchise tax .....	71.00
To pay Ogus, Robinson & Ogus account over-payment of franchise tax .....	307.60
To pay Newsom & Company account over-payment of franchise tax .....	.853.00
To pay The New Home Sewing Machine Company account over-payment of franchise tax .....	3,280.03
To pay F. E. Newbury Electric Company account over-payment of franchise tax .....	192.00
To pay Nelson Loan Company account over-payment of franchise tax .....	328.35
To pay National Loan & Investment Company account over-payment of franchise tax .....	3,750.50
To pay Missouri Valley Bridge & Iron Co. account over-payment of franchise tax .....	985.55
To pay John F. Meyers & Son account overpayment of franchise tax .....	1,005.00
To pay McAlester Fuel Company account over-payment of franchise tax .....	1,113.00
To pay Maxwell Investment Company account over-payment of franchise tax .....	252.15
To pay Litchfield Land Company account over-payment of franchise tax .....	531.65
To pay B. F. Johnson Publishing Company account over-payment of franchise tax .....	5,041.00
To pay Hoffman Heater Company account over-payment of franchise tax .....	356.50
To pay Hastings Industrial Company account over-payment of franchise tax .....	475.00
To pay Hanlin Supply Company account over-payment of franchise tax .....	672.90
To pay Gullett Gin Company account over-payment of franchise tax .....	470.50
To pay B. F. Goodrich Rubber Company account over-payment of franchise tax .....	1,644.33
To pay Gilsonite Construction Co. account over-payment of franchise tax .....	1,593.00
To pay Dodd, Mead & Company account over-payment of franchise tax .....	240.00
to pay Deming Investment Company account over-payment of franchise tax .....	142.40
To pay Dickinson Trust Company account over-payment of franchise tax .....	1,327.67
To pay Delta Land & Timber Company account over-payment of franchise tax .....	3,100.00
To pay Clinchfield Fuel Company account over-payment of franchise tax .....	152.50
To pay Cudahy Packing Company account over-payment of franchise tax .....	1,213.00
To pay Central Coal & Coke Co. account over-payment of franchise tax .....	8,773.00

To pay F. C. Austin Company account over-payment of franchise tax	768.50
To pay B. F. Avery & Sons account over-payment of franchise tax	533.00
To pay Atkinson, Mentzer & Company account over-payment of franchise tax	1,218.50
To pay American Sheet Metal Works account over-payment of franchise tax	248.00
To pay Delta Lumber Company account over-payment of franchise tax	825.00
To pay Trussed Concrete Steel Company account over-payment of franchise tax	1,613.80
To pay Gammel's Book Store—Materials and supplies	19.00
To pay D. A. Bradshaw—Sheriff's fees	44.00
To pay Lee Andrew Johnson—Witness fees	8.70
To pay Miss Maud Reichaw—Account injury by State Highway truck	2,000.00
Total	\$ 64,096.17

To pay City of Brownsville, Texas, refund of gasoline tax	\$ 1,090.72
To pay Mrs. S. S. Heard, account work done as secretary to Mrs. J. E. King, Chairman Board of Supervisors State Penitentiaries	447.00
To pay Guy L. Peyton, on Treasury Department check No. 2345 (Land account), dated October 8, 1923, in favor of Guy L. Peyton	35.20
To pay Yellow Transit Company, remission of fine account over-loading of truck	100.00
To pay J. G. Shanklin, account taxes on excess acreage assessed in Burleson County	300.84
Jesse Garrett, account taxes on excess acreage assessed in Burleson County	59.23
To pay J. Earl Porter, account taxes on excess acreage assessed in Burleson County	65.03
To pay W. R. A. Rogers, account taxes on excess acreage assessed in Burleson County	159.76
To pay Mrs. Sarah Philp, account taxes on excess acreage assessed in Burleson County	41.39
To pay the following members of the State Board of Health for expenses in attending meeting on March 13, 1933:	

Dr. A. A. Ross	\$24.00	
J. M. Howe	56.75	
Dr. C. M. Rosser	56.90	
J. M. Spoonts	91.92	
Dr. J. M. Fraser	47.95	
Dr. John W. Burns	55.35	332.87
Total		\$ 2,632.04

WOODRUFF.

Read and adopted.

The bill was passed to third reading.

Yeas—29.

On motion of Senator Hopkins, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 179 was put on its third reading and final passage by the following vote:

Blackert.	Greer.
Collie.	Holbrook.
Cousins.	Hopkins.
DeBerry,	Hornsby.
Duggan.	Martin.
Fellbaum.	Moore.

Murphy.	Regan.
Neal.	Russek.
Oneal.	Sanderford.
Pace.	Smail.
Parr.	Stone.
Poage.	Woodruff.
Purl.	Woodul.
Rawlings.	Woodward.
Redditt.	

Absent—Excused.

Beck.	Patton.
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Read third time and finally passed by the following vote:

Yeas—23.

Blackert.	Purl.
Cousins.	Rawlings.
Duggan.	Redditt.
Fellbaum.	Regan.
Greer.	Russek.
Holbrook.	Sanderford.
Hopkins.	Smail.
Hornsby.	Stone.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Parr.	

Nays—6.

Collie.	Oneal.
DeBerry.	Pace.
Murphy.	Poage.

Absent—Excused.

Beck.	Patton.
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#### House Bill No. 149.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 149, A bill to be entitled "An Act to amend House Bill No. 231, Chapter 102, page 225, General Laws passed at the Regular Session of the Forty-third Legislature, State of Texas, by extending the period within which relief may be granted to debtors coming under the provisions of said Act, and extending the terms and provisions and the relief granted under said Act to and including the first day of January, A. D. 1935; amending Sections 1 and 11 of said Act; fixing a State policy, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

Read second time.

Senator Woodward sent up the following amendments:

Amend H. B. No. 149 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. From and after the effective date of this Act and during the period of time this Act is made effective as provided herein, in all suits or causes of action which are pending in any trial court exercising jurisdiction in this State on the effective date of this Act, and in all suits or causes of actions which may be filed prior to November 1, 1934, and in which a judgment for the recovery of real property sought to be recovered, or wherein a recovery of real property is sought for a failure or omission to pay any indebtedness due thereon, or to foreclose any lien or liens thereon, the defendant shall have the right to a postponement or continuance thereof as herein provided and a stay of orders of sales or executions by complying with the conditions as hereinafter set forth, to-wit:

(1) That the defendant file therein a sworn statement showing:

(a) That the defendant is unable to pay said indebtedness and that the property of the defendant, if sold under execution, would probably sell for less than its reasonable market value, and/or less than its intrinsic value.

(1a) That the lien sought to be foreclosed was not procured or obtained for the purpose of securing in part or whole any indebtedness for money or property procured by misrepresentation, fraud, defalcation or embezzlement.

(b) That the rendition of a judgment as prayed for by plaintiff and the sale of the defendant's property under deed of trust or execution or order of sale would result in an unfair, unjust, and inequitable financial injury to the defendant.

(c) That the property upon which the lien is sought to be foreclosed is not being wasted, ill-treated, mismanaged or destroyed and is in substantially as good condition as when the lien was first executed, and that the defendant has not with the intent to defeat or delay the collection of the indebtedness or the enforcement of the lien, dissipated the property or the rents and revenues theretofore derived therefrom.

(d) That the defendant is not in arrears in the payment of taxes for

more than four (4) years since February 1, 1922, on the property involved in the suit.

(e) That the defendant consent either to the appointment by the judge or the court of a disinterested party to collect all rents and revenues derived from the property upon which the lien exists, during the period of postponement or continuance or stay of orders of sales or executions and to apply the same as a credit on the indebtedness, or deposit the same in the registry of the court to await the final disposition of the case or to use, apply or dispose of the rents as the judge may direct without the appointment of a disinterested party to collect the same.

Upon the filing of such motion the judge or court before whom said suit or cause of action is pending, shall, before proceeding to trial on its merits, hear evidence in support of or against the facts alleged in said motion and if it be made to appear to the court that said allegations are probably true, the court shall defer rendering judgment in said cause for as long a period as one hundred and eighty (180) days, nor shall any order of sale or execution issue until after the expiration of the time fixed by the court; provided, however, that the judge or court shall have authority, upon further application at the end of the time to which cause has been postponed, but not after November 1, 1934, if it reasonably appears that the same condition exists as in the first instance, to grant further extensions from time to time, not to exceed an additional one hundred and eighty (180) days, but in no event beyond January 1, 1935.

It shall be the duty of the court in determining whether or not said allegations are true, and whether a postponement or continuance shall be granted, to take into consideration the financial condition of the parties, both plaintiffs and defendants, and the nature and character of the property, and the disposition likely to be made of the property if taken possession of by the plaintiff or retained by the defendant and the general economic conditions existing at the time of the hearing of the application.

Sec. 2. Nothing herein shall be held to prevent or limit the right of

any court to enter any judgment by agreement of the parties.

Sec. 3. The judge or court having jurisdiction of the subject matter, is hereby authorized to grant temporary injunctions at the instance of the debtor to prevent a sale of real property under execution, orders of sale of real property or under deeds of trust conveying lands as security for debt upon the same terms and conditions as is authorized by Section 1 of this Act and during the life of this Act.

Sec. 4. Nothing contained in this Act shall prevent the court or the judge thereof, upon good cause shown, from granting such preliminary and ancillary remedies by injunction or otherwise, including receivership, in accordance with the provisions of the law and the usages of equity which may, in the discretion of such court or judge, appear to be necessary for the preservation and protection of the rights of parties and of property during the pendency of any litigation concerning the subjects herein mentioned.

Sec. 5. During the existence of this Act and as long as it is operative, nothing herein contained shall prevent parties from litigating and contesting cases pending in court and appealing from judgments rendered therein without filing the motion mentioned in Section 1 hereof, or after such motion is overruled, and in cases where judgments are rendered and an appeal is taken, the appealing party shall be entitled to have execution or order of sale stayed and postponed pending such appeal without filing a supersedeas bond, if from the facts proven upon application for such stay order, it reasonably appears to the court that the appealing party is unable to execute a good and sufficient supersedeas bond or that it would be inequitable, unjust and unfair to permit his property (whether secured by lien or not) to become subjected to sale during the pendency of such appeal.

Sec. 6. If and in the event any defendant does not elect to file the motion and make proof in support thereof, as authorized by Section 1 of this Act, and proceeds to trial, as provided by Section 5 of this Act, and is relieved of the necessity of filing a supersedeas bond and having executions or orders of sales stayed

and postponed pending his appeal, then in such event if the judgment is one foreclosing a lien upon real property, the defendant in judgment so appealing, as a prerequisite to his right to have executions and orders of sale stayed or postponed and as a prerequisite to his right to appeal without the filing of a supersedeas bond, shall consent to the appointment by the judge of the court of some disinterested party to collect all rents and revenues derived from the property upon which the lien exists during the period of the appeal and that the person so appointed by the court shall apply the same as a credit on the indebtedness or deposit the same in the registry of the court, to await the final disposition of the case as the judge may direct.

Sec. 7. If any defendant in any cause pending during the life of this Act shall represent to the Court in writing that he is unable to employ attorneys to present the motion as herein authorized and to present the facts to the court, the court shall appoint reputable counsel to represent said defendant and in all cases it shall be the duty of the court to aid in the development of all facts necessary to enable the court to intelligently and fairly act upon the issues presented by the application filed by the defendant who is unable to employ counsel.

Sec. 8. No act of any person, corporation, partnership or association invoking the benefits of this Act shall be construed to be a confession or admission, directly or indirectly, of insolvency, so as to force involuntary receivership, and no testimony heard or evidence adduced in or by any trial court under the terms of this Act, either in support of or in opposition to the application of any such person, corporation, partnership, or association shall be admitted in evidence in any court in any action of receivership or in any action involving the solvency or insolvency of the defendant.

Sec. 9. This Act shall have no effect upon any suit or cause of action based upon or seeking to enforce a contract or contracts entered into or obligations executed or assumed subsequent to the effective date of this Act, even though such contracts or obligations be in renewal or extension of, or otherwise relate to contracts or obligations ex-

ecuted or assumed prior to the effective date of this Act.

Sec. 10. If any section, subsection, subdivision, paragraph, sentence, clause or words of this Act be held to be unconstitutional, the remaining portions shall nevertheless be valid and it is declared that such remaining portions would have been included in this Act, though the unconstitutional portions had been omitted therefrom.

Sec. 11. All laws or parts of laws in conflict with any of the provisions of this Act, are hereby suspended until January 1, A. D., 1935, but no statute is intended to be repealed and this Act shall be of no further force and effect and any and all laws suspended during the effective period of this Act, shall immediately become operative and in full force and effect from and after January 1, 1935, as if this Act had not been passed.

Sec. 12. The fact that an extraordinary financial emergency and depression exists within the State and elsewhere, and that many citizens are threatened with destructive suits for the recovery of money and to the foreclosure of liens upon property and that it is difficult to secure supersedeas bonds, and by reason thereof imminent danger exists whereby citizens may be subjected to distressing losses, and because thereof such suits or proceedings as provided in this Act should be permitted to be stayed or continued, for the period and under the circumstances as herein provided, and the fact that great and irreparable wrong and injury will be done unless immediate relief as aforesaid hereby be granted, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

WOODWARD,  
RAWLINGS.

Read and adopted.

Amend H. B. No. 149 by striking out all above the enacting clause and inserting in lieu thereof the following:

A BILL  
To Be Entitled

An Act providing means and methods whereby suits and causes of actions involving judgments for the recovery of real property or the foreclosure of liens against real property, and which are pending on effective date hereof or which may be filed prior to November 1, 1934, or as otherwise provided herein, may be postponed or continued, and orders of sales and executions may be stayed by complying with the conditions as provided in this Act, authorizing temporary injunctions to stay sales under execution, orders of sale or deeds of trust, providing for extensions under certain conditions, permitting appeals without requiring superseades bonds, and setting forth the conditions to be complied with and the duties of the judge and of the court in respect thereto, limiting the time this Act shall be effective and suspending laws in conflict herewith, but not repealing any laws, fixing a State policy, containing a savings clause, and declaring an emergency.

Whereas, There now exists in the State of Texas and throughout the Continental United States as well as throughout the world a financial and economic depression; and

Whereas, There exists throughout this State a condition of unprecedented unemployment; and

Whereas, A greater portion of the area of the State of Texas consists of farms and ranches, the owners of which are citizens of this State engaged in the business of raising live stock and agricultural products; and

Whereas, The current prices of cattle and other live stock and agricultural products are extremely inadequate and in many instances far below the cost of production; and

Whereas, During the period of the present economic crisis many owners of homes in the cities and towns of the State of Texas have been out of employment by reason of the economic crisis and the paralyzed condition of industry and are, therefore, unable to pay the taxes accruing to the State and its subdivisions upon their homes and as well as being unable to meet payment upon vendor's lien notes and other mortgages under which their homes and lands are now mortgaged; and

Whereas, Citizens of this State owning lands and ranches are in a like situation with reference to outstanding mortgages and deeds of trust securing indebtedness upon said homes, lands, and ranches; and

Whereas, The recovery from said economic crisis is by the nature thereof bound to require a reasonable period of time within which said citizens of this State owning homes, lands, farms, and ranches so mortgaged may be expected to recover in manner enabling them to pay off many of said existing debts now accruing and already accrued;

It is, therefore, declared to be the policy of the Legislature of the State of Texas that it is incumbent upon the Legislature of this State for the benefit of the general welfare of its citizenship to declare the fact of the existing economic crisis and it is further the declaration of the Legislature that it has the power under the Constitution of this State and for the future general welfare of the citizenship of this State to enact and provide as follows:

WOODWARD,  
RAWLINGS.

Read and adopted.

Senator Martin sent up the following amendment:

Amend H. B. No. 149, Section 1, by striking out in paragraph "d" everything after the word "taxes" and making it read as follows:

"d. That the defendant is not in arrears in the payment of taxes on the property involved in the suit."

MARTIN.

The amendment was read.

Senator Rawlings moved to table the amendment. The motion was lost by the following vote:

Yeas—10.

Blackert.	Rawlings.
DeBerry.	Regan.
Parr.	Sanderford.
Poage.	Small.
Purl.	Stone.

Nays—17.

Collie.	Martin.
Cousins.	Moore.
Duggan.	Murphy.
Fellbaum.	Neal.
Holbrook.	Pace.
Hopkins.	Redditt.
Hornsby.	Russek.

Woodruff. Woodward.  
Woodul.

Absent.

Greer. Oneal.

Absent—Excused.

Beck. Patton.

The amendment was adopted by the following vote:

Yeas—16.

Collie.	Murphy.
Duggan.	Neal.
Fellbaum.	Pace.
Holbrook.	Purl.
Hopkins.	Redditt.
Hornsby.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.

Nays—10.

Blackert.	Rawlings.
Cousins.	Regan.
DeBerry.	Russek.
Parr.	Sanderford.
Poage.	Stone.

Absent.

Greer. Small.  
Oneal.

Absent—Excused.

Beck. Patton.

Senator Woodul sent up the following amendment:

A m e n d Woodward - Rawlings amendment to H. B. No. 149 by adding at the end of Section 1 the following:

It is further provided that the provisions of this Act shall not apply to any educational or charitable institution incorporated under the laws of the State of Texas, whose endowment funds, or any part thereof, have been invested in loans, payment of which is secured by liens upon real or personal property; but suits upon such indebtedness may be filed by all such educational and charitable institutions owning same, and payment thereof enforced, in such manner and to the same extent as if this Act had not been passed." And amend the caption to conform.

WOODUL.

Read and lost by the following vote:

Yeas—12.

Blackert.	Moore.
Fellbaum.	Murphy.
Holbrook.	Neal.
Hopkins.	Pace.
Hornsby.	Redditt.
Martin.	Woodul.

Nays—14.

Cousins.	Regan.
DeBerry.	Russek.
Duggan.	Sanderford.
Parr.	Small.
Poage.	Stone.
Purl.	Woodruff.
Rawlings.	Woodward.

Present—Not Voting.

Collie.

Absent.

Greer. Oneal.

Absent—Excused.

Beck. Patton.

The bill was passed to third reading by the following vote:

Yeas—14.

Blackert.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Regan.
Martin.	Sanderford.
Moore.	Stone.
Parr.	Woodward.

Nays—12.

Collie.	Neal.
Fellbaum.	Pace.
Holbrook.	Redditt.
Hopkins.	Small.
Hornsby.	Woodruff.
Murphy.	Woodul.

Absent.

Greer. Oneal.

Absent—Excused.

Beck. Russek.  
Patton.

The motion of Senator Rawlings to suspend the constitutional rule requiring bills to be read on three several days was lost by the following vote:

## Yeas—18.

Blackert.	Poage.
Collie.	Purl.
Cousins.	Rawlings.
DeBerry.	Regan.
Duggan.	Sanderford.
Martin.	Small.
Moore.	Stone.
Neal.	Woodruff.
Parr.	Woodward.

## Nays—8.

Fellbaum.	Murphy.
Holbrook.	Pace.
Hopkins.	Redditt.
Hornsby.	Woodul.

## Absent.

Oneal.

## Absent—Excused.

Beck.	Patton.
Greer.	Russek.

(Four-fifths vote required.)

## House Bill No. 174.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 174, A bill to be entitled "An Act amending Subdivision 23 of Article 7047, Chapter 1, Title 122 of the Revised Civil Statutes, State of Texas, 1925, as amended by Acts of 1931, Forty-second Legislature, Regular Session, page 355, Chapter 212, Section 1, relating to an occupation tax on coin operated vending machines, marble table machines, and similar devices within the scope of the subdivision; providing such funds to be placed to the credit of the State Available School Funds. and declaring an emergency."

The committee amendment was adopted.

The bill was read second time.

Senator Collie sent up the following amendment:

Amend H. B. No. 174 by striking out the caption and inserting in lieu thereof the following caption:

H. B. No. 174, A bill to be entitled "An Act levying an annual occupation tax upon all machines and other devices of whatsoever kind and description operated by coins, metal slugs or tokens similar to coins, for the purpose of amusement, entertainment, or vending commodities, merchandise, or confections, or for

services of any kind, exempting pay telephones, gas meters, pay toilets and sanitary drinking cup vending machines from the provision of this Act; providing a penalty for the violation of the provisions of this Act, and providing that all laws and parts of laws in conflict herewith are hereby repealed, and declaring an emergency."

COLLIE.

Read and adopted.

Senator Rawlings sent up the following amendment:

Amend H. B. No. 174 by striking out "cigarette machines."

RAWLINGS,  
PURL.

The amendment was read.

Senator Moore moved to table the amendment. The motion prevailed.

The bill was passed to third reading.

On motion of Senator DeBerry the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 174 was put on its third reading and final passage by the following vote:

## Yeas—29.

Blackert.	Pace.
Collie.	Parr.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

## Absent—Excused.

Beck.	Patton.
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Read third time and finally passed by the following vote:

## Yeas—28.

Blackert.	Holbrook.
Collie.	Hopkins.
Cousins.	Hornsby.
DeBerry.	Martin.
Duggan.	Moore.
Fellbaum.	Murphy.
Greer.	Neal.



Oneal.	Russek.
Parr.	Sanderford.
Poage.	Small.
Purl.	Stone.
Rawlings.	Woodruff.
Redditt.	Woodul.
Regan.	Woodward.

Nays—1.

Pace.

Absent—Excused.

Beck.

Patton.

#### House Bill No. 121.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 121, A bill to be entitled "An Act appropriating the sum of \$1,200 for each of the two years beginning September 1, 1933, and September 1, 1934, to pay the traveling and living expenses of Justices of the several Courts of Civil Appeals in hearing oral arguments in transferred cases under the provisions of Chapter 151, of the General Laws of the State of Texas, passed at the Regular Session of the Forty-third Legislature, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

Read second time.

Senator Woodruff sent up the following amendment:

Amend H. B. No. 121, by adding at the end of Section 1 the following:

"Provided further, that the sum of \$20,000.00 is hereby appropriated out of the funds accrued or to accrue to the credit of the Highway Fund for the biennium ending September 1, 1935, not otherwise appropriated, for the purpose of defraying the expense necessary to be incurred in the investigation and trial of suits pending and to be commenced against the State Highway Department, the sum hereby appropriated being intended to cover actual and necessary traveling expense and salaries of special investigators and attorneys in said suits."

WOODRUFF.

Read and adopted.

Senator Martin sent up the following amendment:

Amend H. B. No. 121 by adding at the end of Section 1, the following:

"And the State Service office the sum of \$900.00 for each of the two years beginning September 1, 1933 and September 1, 1934, for one stenographer at a salary not to exceed \$75.00 per month.

MARTIN.

Read and adopted.

The bill failed to pass to third reading by the following vote:

Yeas—12.

Blackert.	Redditt.
Fellbaum.	Regan.
Holbrook.	Sanderford.
Hopkins.	Stone.
Parr.	Woodul.
Purl.	Woodward.

Nays—14.

Collie.	Neal.
Cousins.	Oneal.
DeBerry.	Pace.
Duggan.	Poage.
Hornsby.	Rawlings.
Moore.	Small.
Murphy.	Woodruff.

Absent.

Greer.	Russek.
Martin.	

Absent—Excused.

Beck.	Patton.
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Senator Woodruff moved to reconsider the vote by which the bill failed to pass to third reading. The motion prevailed.

Senator Woodruff sent up the following amendment:

Amend H. B. No. 121 by adding in the caption the following:

"and making an appropriation out of the Highway Fund to defray salaries and expenses incurred by the Highway Department in defending certain suits."

WOODRUFF.

Read and adopted.

The bill was passed to third reading by the following vote:

Yeas—19.

Blackert.	Neal.
Cousins.	Pace.
Fellbaum.	Parr.
Holbrook.	Purl.
Hopkins.	Redditt.
Martin.	Regan.
Moore.	Russek.

Sanderford.  
Stone.  
Woodruff.

Woodul.  
Woodward.

Nays—9.

Collie.  
DeBerry.  
Duggan.  
Hornsby.  
Murphy.

Oneal.  
Poage.  
Rawlings.  
Small.

Absent.

Greer.

Absent—Excused.

Beck. Patton.

On motion of Senator Woodruff the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 121 was put on its third reading and final passage by the following vote:

Yeas—23.

Blackert.  
Collie.  
Cousins.  
Duggan.  
Fellbaum.  
Holbrook.  
Hopkins.  
Martin.  
Moore.  
Neal.  
Oneal.  
Pace.

Parr.  
Purl.  
Rawlings.  
Redditt.  
Regan.  
Russek.  
Sanderford.  
Stone.  
Woodruff.  
Woodul.  
Woodward.

Nays—5.

DeBerry.  
Hornsby.  
Murphy.

Poage.  
Small.

Absent.

Greer.

Absent—Excused.

Beck. Patton.

Read third time and finally passed by the following vote:

Yeas—20.

Blackert.  
Cousins.  
Duggan.  
Fellbaum.  
Holbrook.  
Hopkins.  
Martin.  
Moore.  
Neal.  
Pace.

Parr.  
Purl.  
Redditt.  
Regan.  
Russek.  
Sanderford.  
Stone.  
Woodruff.  
Woodul.  
Woodward.

Nays—8.

Collie.  
DeBerry.  
Hornsby.  
Murphy.

Oneal.  
Poage.  
Rawlings.  
Small.

Absent—Excused.

Beck. Patton.  
Greer.

### House Bill No. 194.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 194, A bill to be entitled "An Act making certain independent school districts eligible to receive donations of cash and donations of land upon which to build, erect and construct buildings in which its junior colleges may be maintained and operated, and wherein an additional two years of college work may be taught so as to constitute a university; authorizing the board of education or board of trustees of such school districts to borrow money from the Federal Emergency Administration of Public Works under the provisions of the National Industrial Recovery Act, etc., and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time.

Senator Fellbaum sent up the following amendment:

Amend H. B. No. 194, by changing the figures "275,000" in lines 4 and 8 of Sec. 7 to "225,000."

FELLBAUM.

Read and adopted.

Senator Pace sent up the following amendment:

Amend H. B. No. 194, by adding a new section to be known as "Section 1a" as follows:

"Section 1a. The rights, powers and privileges created and authorized under the provisions of this law shall also apply to all independent school districts within this State which are entirely located within cities of a population of not less than 17,100 nor greater than 18,200, according to the 1930 Federal census, and which said cities are located within counties in this State which had a population, according to the 1930 census, of not less than 53,100

nor greater than 53,800," and amend the caption to conform to the body of the bill.

PACE.

Read and adopted.

The bill was passed to third reading.

On motion of Senator Woodul the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 194 was put on its third reading and final passage by the following vote:

Yeas—27.

Blackert.	Parr.
Collie.	Poage.
Cousins.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Nays—1.

DeBerry.

Absent.

Greer.

Absent—Excused.

Beck. Patton.

Read third time and finally passed by the following vote:

Yeas—19.

Blackert.	Parr.
Cousins.	Redditt.
Fellbaum.	Regan.
Holbrook.	Sanderford.
Hopkins.	Small.
Hornsby.	Stone.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Pace.	

Nays—7.

Collie.	Poage.
DeBerry.	Purl.
Murphy.	Rawlings.
Oneal.	

Absent.

Duggan. Greer.

Absent—Excused.

Beck. Russek.  
Patton.

House Bill No. 105.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 105, A bill to be entitled "An Act appropriating \$25,000 out of any funds of the State of Texas not otherwise appropriated, to be used to pay additional expense of publication of eight proposed amendments to the Constitution of Texas and for the subsequent holding of a general election at which said amendments are to be voted upon, said amount being herein appropriated to be used as payment of any difference in the amount of the costs of the publication of said amendments and holding of said election over and above the amounts of money already appropriated for said purpose, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 105 was put on its third reading and final passage by the following vote:

Yeas—27.

Blackert.	Parr.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Fellbaum.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Absent.

Duggan.

Absent—Excused.

Beck. Patton.  
Greer.

Read third time and finally passed by the following vote:

Yeas—24.

Blackert.	Parr.
Cousins.	Purl.
Fellbaum.	Rawlings.
Holbrook.	Redditt.
Hopkins.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.

Nays—3.

Collie.	Poage.
DeBerry.	

Absent.

Duggan.	Greer.
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Absent—Excused.

Beck.	Patton.
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#### House Bill No. 194.

Senator Woodul moved to reconsider the vote by which H. B. No. 194 was finally passed. The motion prevailed.

The bill was finally passed by the following vote:

Yeas—21.

Blackert.	Parr.
Cousins.	Purl.
Fellbaum.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Nays—5.

Collie.	Poage.
DeBerry.	Rawlings.
Hornsby.	

Absent.

Duggan.	Greer.
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Absent—Excused.

Beck.	Russek.
Patton.	

#### House Bill No. 26.

Senator Regan called up from the table H. B. No. 26.

Senator Poage sent up the following amendment:

Amend H. B. No. 26 by striking out all of line 12 through and including all of line 24 and all of line 25 through and including the word "thereof."

POAGE,  
ONEAL.

Read and adopted.

The bill was passed to third reading.

On motion of Senator Regan, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 26 was put on its third reading and final passage by the following vote:

Yeas—27.

Blackert.	Parr.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Fellbaum.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Absent—Excused.

Beck.	Greer.
Duggan.	Patton.

Read third time and finally passed by the following vote:

Yeas—27.

Blackert.	Parr.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Fellbaum.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

## Absent—Excused.

Beck. Greer.  
Duggan. Patton.

## House Bill No. 40.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 40, A bill to be entitled "An Act releasing penalties and interest on ad valorem and poll taxes that were delinquent on or before July 1, 1933, due the State and certain subdivisions of the State, provided same are voluntarily paid on or before December 31, 1933, together with 2 per cent penalty, or on or before March 31, 1934, together with 4 per cent penalty, or on or before June 30, 1934, together with 6 per cent penalty; providing that Section 1 hereof shall not apply to delinquent taxes due to cities, towns, villages, special school districts, or independent school districts unless and until the governing body of such subdivision shall adopt the provisions hereof by resolution or ordinance; providing that nothing in Section 1 of this Act shall be construed as postponing, delaying, or extending the time for the payment of delinquent taxes covered by this Act, nor as prohibiting, postponing, or delaying the filing or prosecution of tax suits; defining the term 'voluntarily paid' as same is used herein; etc., and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

Read second time.

Senator Fellbaum sent up the following amendments:

Amend House Bill No. 40 by adding a new section to be known as Section 3-A, as follows:

"Wherever any city or independent school district in Texas has accepted the payment of taxes from any citizen since July 1, 1933, and remitted the interest and penalties it shall be required to remit all interest and penalties to a citizen who pays his taxes before December 31, 1933."

And amend the caption to conform to the above amendment as follows:

"To prevent discrimination by cities or independent school districts in favor of any citizen."

FELLBAUM.

Read and lost.

The bill was passed to third reading by the following vote:

## Yeas—24.

Blackert.	Pace.
Cousins.	Parr.
DeBerry.	Poage.
Fellbaum.	Purl.
Holbrook.	Rawlings.
Hopkins.	Redditt.
Hornsby.	Regan.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

## Nays—2.

Collie.	Sanderford.
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## Absent—Excused.

Beck.	Patton.
Duggan.	Russek.
Greer.	

On motion of Senator Oneal, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 40 was put on its third reading and final passage by the following vote:

## Yeas—27.

Blackert.	Parr.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Fellbaum.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

## Absent—Excused

Beck.	Greer.
Duggan.	Patton.

Read third time and finally passed by the following vote:

## Yeas—24.

Blackert.	Parr.
Cousins.	Poage.
DeBerry.	Purl.
Fellbaum.	Rawlings.
Holbrook.	Redditt.
Hornsby.	Regan.
Martin.	Russek.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.

## Nays—3.

Collie.	Sanderford.
Hopkins.	

## Absent—Excused.

Beck.	Greer.
Duggan.	Patton.

## House Bill No. 186.

Senator Moore called up from the table H. B. No. 186.

The amendment (by Senator Purl) was lost.

The bill passed to third reading.

On motion of Senator Moore, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 186 was put on its third reading and final passage by the following vote:

## Yeas—27.

Blackert.	Parr.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Fellbaum.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

## Absent—Excused.

Beck.	Greer.
Duggan.	Patton.

Read third time and finally passed by the following vote:

## Yeas—27.

Blackert.	Cousins.
Collie.	DeBerry.

Fellbaum.	Purl.
Holbrook.	Rawlings.
Hopkins.	Redditt.
Hornsby.	Regan.
Martin.	Russek.
Moore.	Sanderford.
Murphy.	Small.
Neal.	Stone.
Oneal.	Woodruff.
Pace.	Woodul.
Parr.	Woodward.
Poage.	

## Absent—Excused.

Beck.	Greer.
Duggan.	Patton.

## House Bill No. 163.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 163, A bill to be entitled "An Act ceding to the City of Corpus Christi, Texas, all public lands within the bed of the Nueces River, from its mouth to its junction with the eastern boundary line of McMullin County; permitting lessees within such area to contract with the city for the abandonment of any producing oil or gas wells within such area; repealing laws in conflict herewith, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time.

Senator Moore moved to postpone indefinitely the further consideration of the bill.

Senator Parr moved to table the motion to postpone. The motion to table was lost by the following vote:

## Yeas—11.

Blackert.	Parr.
Fellbaum.	Redditt.
Holbrook.	Sanderford.
Hopkins.	Small.
Martin.	Woodward.
Neal.	

## Nays—14.

Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Hornsby.	Regan.
Moore.	Stone.
Murphy.	Woodruff.
Oneal.	Woodul.
Pace.	

**Absent—Excused.**

Beck.                      Patton.  
Duggan.                  Russek.  
Greer.

Senator Cousins moved as a substitute to lay the bill on the table subject to call.

Senator Woodward moved to recess until 10 o'clock a. m. Friday.

The motion was lost.

The motion to lay the bill on the table subject to call was adopted by the following vote:

**Yeas—17.**

Blackert.                  Pace.  
Cousins.                  Parr.  
Fellbaum.                Redditt.  
Holbrook.                Sanderford.  
Hopkins.                Small.  
Hornsby.                Stone.  
Martin.                  Woodul.  
Murphy.                Woodward.  
Neal.

**Nays—8.**

Collie.                  Poage.  
DeBerry.                Rawlings.  
Moore.                  Regan.  
Oneal.                  Woodruff.

**Present—Not Voting.**

Purl.

**Absent—Excused.**

Beck.                      Patton.  
Duggan.                  Russek.  
Greer.

**House Bill No. 55.**

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 55, A bill to be entitled "An Act amending Subsection 4 and Subsection 5, of Section 2, and Section 9, Chapter 162, House Bill No. 154, Acts of the Forty-third Legislature, Regular Session, providing for monthly payment of tax levied, and prescribing the date upon which tax shall be paid, by whom it shall be paid; providing that if said tax is withheld by the purchaser and said purchaser fails to make payment of said tax to the State that the producer may have legal action against the purchaser by reason of such failure, and providing for at-

torney's fee; etc., and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Woodward, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 55 was put on its third reading and final passage by the following vote:

**Yeas—25.**

Blackert.                  Pace.  
Collie.                  Parr.  
Cousins.                  Purl.  
DeBerry.                Rawlings.  
Fellbaum.                Redditt.  
Holbrook.                Regan.  
Hopkins.                Sanderford.  
Hornsby.                Small.  
Martin.                  Stone.  
Moore.                  Woodruff.  
Murphy.                Woodul.  
Neal.                  Woodward.  
Oneal.

**Nays—1.**

Poage.

**Absent—Excused.**

Beck.                      Patton.  
Duggan.                  Russek.  
Greer.

Read third time and finally passed by the following vote:

**Yeas—21.**

Blackert.                  Purl.  
Collie.                  Redditt.  
Cousins.                Regan.  
Fellbaum.                Russek.  
Holbrook.                Sanderford.  
Hopkins.                Small.  
Hornsby.                Stone.  
Martin.                  Woodruff.  
Moore.                  Woodul.  
Neal.                  Woodward.  
Parr.

**Nays—6.**

DeBerry.                Pace.  
Murphy.                Poage.  
Oneal.                  Rawlings.

**Absent—Excused.**

Beck.                      Greer.  
Duggan.                  Patton.

**House Bill No. 161.**

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 161, A bill to be entitled "An Act making an appropriation out of the General Revenue of the State of Texas for the balance of the fiscal year ending August 31, 1934, to be used by the Texas State Parks Board, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time.

Senator Redditt sent up the following amendments:

Amend H. B. No. 161 by striking out the words "Texas State Parks Board" wherever they occur, and substitute therefor the words "State Reclamation Engineer."

REDDITT.

Read and adopted.

Amend H. B. No. 161 by adding at the end of Section 1 the following: "The State Reclamation Engineer and his successors in office is hereby authorized to utilize such personnel and such part of the funds made available under the appropriation for said department for the biennium ending August 31, 1935, for the general work of the said department, as he may deem necessary to carry out the purpose of this Act."

REDDITT.

Read and adopted.

Amend the caption to conform to the body of the bill.

REDDITT.

Read and adopted.

The bill was passed to third reading.

On motion of Senator Redditt, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 161 was put on its third reading and final passage by the following vote:

Yeas—24.

Blackert.	Martin.
Collie.	Murphy.
Cousins.	Neal.
DeBerry.	Oneal.
Fellbaum.	Pace.
Holbrook.	Parr.
Hopkins.	Poage.
Hornsby.	Purl.

Redditt.	Stone.
Regan.	Woodruff.
Russek.	Woodul.
Sanderford.	Woodward.

Nays—3.

Moore.	Small.
Rawlings.	

Absent—Excused.

Beck.	Greer.
Duggan.	Patton.

Read third time and finally passed by the following vote:

Yeas—18.

Blackert.	Pace.
Cousins.	Parr.
Fellbaum.	Purl.
Holbrook.	Redditt.
Hopkins.	Regan.
Hornsby.	Sanderford.
Martin.	Small.
Murphy.	Stone.
Neal.	Woodward.

Nays—8.

Collie.	Poage.
DeBerry.	Rawlings.
Moore.	Woodruff.
Oneal.	Woodul.

Absent—Excused.

Beck.	Patton.
Duggan.	Russek.
Greer.	

Senator Small moved to reconsider the vote by which the bill was finally passed and spread the motion on the Journal.

**House Bill No. 25.**

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 25, A bill to be entitled "An Act amending Article 1111, Vernon's Revised Civil Statutes, the same being the Act of 1927, Fortieth Legislature, page 276, Chapter 194, for the purpose of more fully and effectually carrying out the National Industrial Recovery Act and its program of relief in the State of Texas, by providing adequate machinery to increase the powers of cities, towns, and villages, in order that they may mortgage and encumber municipal markets or city markets, so as to enable them to obtain



loans from the Federal Government for the purpose of building, enlarging, or repairing municipally-owned markets, etc., and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time.

The committee amendment was read.

Senator Oneal sent up the following amendment to the amendment:

Amend the committee amendment by inserting therein after the word "established" the following: "under the authority of this Act."

ONEAL.

Read and adopted.

Senator Blackert moved to table the committee amendment as amended. The motion prevailed by the following vote:

Yeas—14.

Blackert.	Oneal.
Collie.	Parr.
DeBerry.	Poage.
Holbrook.	Redditt.
Moore.	Sanderford.
Murphy.	Woodruff.
Neal.	Woodward.

Nays—12.

Cousins.	Purl.
Fellbaum.	Rawlings.
Hopkins.	Regan.
Hornsby.	Small.
Martin.	Stone.
Pace.	Woodul.

Absent—Excused.

Beck.	Patton.
Duggan.	Russek.
Greer.	

Senator Hornsby sent up the following amendments:

Amend the caption to H. B. No. 25, by striking out the words "and declaring an emergency," and in lieu thereof insert the following:

Creating a water conservation and reclamation district as a public corporation under Section 59, Article 16 of the Constitution of Texas, to be known as "The Colorado River Authority"; defining the territory of such district; prescribing the purpose, authority, powers and privileges of such corporation; providing for directors of the corporation, their

term of office, their compensation, their powers and duties, and for the employment by them of a secretary, manager, attorneys, auditors, engineers and other assistants; providing that the corporation may enter into contracts and other obligations, acquire and hold property, sue and be sued in its corporate name, for the borrowing of money, the issuance of bonds, notes and other obligations and encumbering and pledging the property of the corporation; providing for the deposit, withdrawal and disbursement of funds, financial statements and disposition of net earnings; and declaring an emergency.

HORNSBY.

Read and adopted.

Amend H. B. No. 25, by inserting between Sections 2 and 3 the following:

Section 1. In order to further effectuate the constitutional mandate contained in Section 59, Article 16 of the Constitution of Texas, that the conservation and development of all of the natural resources of this State, including the control, storing, preservation and distribution of its flood waters, the waters of its rivers and streams for irrigation, power and all other useful purposes, etc., are each and all declared public rights and duties, and the Legislature shall pass all such laws as may be appropriate thereto, there is hereby created a water conservation and reclamation district embracing all lands within the Abraham Large Survey No. 32, in Burnet County and J. L. Henne Survey No. 4, in Llano County and in all surveys upstream in both such counties situated between a contour line of 1020 feet above mean sea level as determined by U. S. G. S. Bench Marks, and the center of the channel of the Colorado River, which district shall be a public corporation, a governmental agency, a municipality, body politic and corporate, vested with all the rights, powers and privileges of water improvement districts, under Chapter 2 Title 128 of the Revised Civil Statutes of Texas, 1925, as amended, except as herein expressly limited, to be known as the "Colorado River Authority," and hereinafter in this Act referred to as the "Corporation." The corporation shall not construct or maintain any structures upstream from

the territory above described at a point above elevation 1020 feet above mean sea level, nor downstream below 850 feet above mean sea level.

Sec. 2. The purpose of such corporation is the control, storing, preservation and distribution of the waters of the ordinary flow and underflow, and the storm, flood and rain waters of the Colorado River in Texas, with authority to store the same in reservoirs, or otherwise, and to sell, convey and deliver the same for all beneficial uses, and to effectuate such purpose and authority, such corporation may acquire by purchase, grant, condemnation, or otherwise, any lands, water and riparian rights, structures and improvements, for the erection, construction, repair, enlargement, improvement and/or maintenance of dams, reservoirs, canals, tunnels, viaducts and/or other works necessary and/or useful for the control, storing, preservation and distribution of such waters; and shall have the exclusive right to use the bed, channel and banks of such stream, downstream from said defined district for such purpose. It may acquire the right to control, store, sell and distribute such waters by appropriation, through permit from the Board of Water Engineers of Texas, by complying with the provisions of Chapter 1, Title 128 of the Revised Civil Statutes of Texas 1925, as amended, in the same manner as provided therein for private corporations and natural persons, and may exercise all the privileges therein conferred on such, and shall be subject to all provisions thereof, including Chapter 128 of the Acts of the Forty-second Legislature. It shall have the power of Eminent Domain, which may be exercised in the manner prescribed by Title 52, Revised Civil Statutes of Texas, 1925. Notwithstanding any of the provisions contained in this Act or any of the statutes herein referred to, the purpose of the corporation shall be solely the control, storing, preservation and distribution of water.

Sec. 3. Such corporation shall be governed by a board of seven directors, three of whom shall be the members of the State Board of Water Engineers and four of whom shall be citizens of this State appointed by the State Board of Water Engi-

neers, such four appointees to be each appointed for a term of four years, except two of the first four directors appointed shall be appointed for terms of two years each. A majority of the board shall constitute a quorum for the transaction of business. The board shall select one of its number as chairman. Each director shall be paid ten dollars per day for each day necessarily spent in attendance on business of the corporation, plus actual traveling and other expenses. The office of the corporation shall be in Austin, Texas. The board of directors shall select a seal for the corporation; and may select a secretary, a manager for the corporation, and may employ such attorneys, auditors, engineers and other assistants as it may deem necessary for the conduct of the business of the corporation, and prescribe their duties, and fix their compensation; provided that such compensation shall never be so fixed by contract that it cannot be supervised or changed by the Legislature.

Sec. 4. Such corporation may enter into contracts, incur obligations, acquire and hold property, sue and be sued in its corporate name. All contracts and written obligations of the corporation shall be signed in its name by the chairman of the board of directors, and attested by its secretary with the seal of the corporation. The corporation shall have authority to incur indebtedness, to borrow money from any source, including the United States Government, or any agency thereof, and accept grants therefrom. To secure the payment of any money so borrowed, or any indebtedness in any manner created, the corporation may issue its bonds, notes or other obligations and may mortgage or encumber any of the property of the corporation, including its permits and franchises, and may pledge its revenues and income; such bonds, notes, or other obligations to be issued on authority of resolution of the board of directors and to bear such rate of interest to contain such provisions for maturity, and such other provisions as may be fixed by resolution of the board; provided such obligations shall not be a charge on the State, nor on any of its revenues derived from taxation, nor shall the corporation ever have authority to pledge

the credit of the State of Texas for any purpose. Such bonds shall not be an indebtedness charged against the district, as such, nor a lien on any property thereof except that specially mortgaged or encumbered, as herein authorized, nor shall any tax be levied by the district for the payment of such bonds, or for any other purpose.

Sec. 5. Nothing herein shall be construed as cancelling, impairing or in any manner affecting any existing water rights.

Sec. 6. The funds of the corporation shall be kept in a depository selected by the board of directors as provided by law for the selection of county depositories, and secured as provided by law for the securing of county funds by such depositories. Such funds may be withdrawn only on vouchers signed by the chairman of the board of directors and countersigned by the secretary. The board of directors shall, on or before the 10th day of January of each year, file with the Secretary of State a statement of the financial affairs of the corporation, showing the receipts and disbursements for the next preceding calendar year, and containing such other information as will disclose the financial condition of the corporation. Any funds on hand when any such statement is filed, remaining after the payment of all indebtedness of the corporation, and after a sufficient sum has been set aside, for replacements, repairs, improvements, betterments and depreciation, and sufficient for operating expenses for the ensuing year, shall be, by the board, paid into the general fund of the State Treasury.

HORNSBY.

The amendment was read.

Senator Oneal raised the point of order that the amendment was not germane to the bill.

The Chair, President Pro Tem George C. Purl, submitted the point of order to the Senate.

The Senate voted not to sustain the point of order by the following vote:

Yeas—8.

Blackert.	Oneal.
Collie.	Poage.
DeBerry.	Redditt.
Holbrook.	Sanderford.

Nays 15.

Cousins.	Rawlings.
Fellbaum.	Regan.
Hopkins.	Small.
Hornsby.	Stone.
Martin.	Woodruff.
Murphy.	Woodul.
Pace.	Woodward.
Parr.	

Present—Not Voting.

Moore.	Purl.
Neal.	

Absent—Excused.

Beck.	Patton.
Duggan.	Russek.
Greer.	

Senator Blackert moved to table the amendment. The motion was lost by the following vote:

Yeas—13.

Blackert.	Oneal.
Collie.	Poage.
DeBerry.	Redditt.
Holbrook.	Sanderford.
Moore.	Woodruff.
Murphy.	Woodward.
Neal.	

Nays—13.

Cousins.	Purl.
Fellbaum.	Rawlings.
Hopkins.	Regan.
Hornsby.	Small.
Martin.	Stone.
Pace.	Woodul.
Parr.	

Absent—Excused.

Beck.	Patton.
Duggan.	Russek.
Greer.	

The amendment was adopted by the following vote:

Yeas—14.

Cousins.	Purl.
Fellbaum.	Rawlings.
Hopkins.	Regan.
Hornsby.	Small.
Martin.	Stone.
Pace.	Woodruff.
Parr.	Woodul.

Nays—12.

Blackert.	DeBerry.
Collie.	Holbrook.

Moore.	Poage.
Murphy.	Redditt.
Neal.	Sanderford.
Oneal.	Woodward.

**Absent—Excused.**

Beck.	Patton.
Duggan.	Russek.
Greer.	

Senator Blackert moved to postpone indefinitely the further consideration of the bill. The motion was lost by the following vote:

**Yeas—12.**

Blackert.	Neal.
Collie.	Oneal.
DeBerry.	Poage.
Holbrook.	Redditt.
Moore.	Sanderford.
Murphy.	Woodward.

**Nays—14.**

Cousins.	Purl.
Fellbaum.	Rawlings.
Hopkins.	Regan.
Hornsby.	Small.
Martin.	Stone.
Pace.	Woodruff.
Parr.	Woodul.

**Absent—Excused.**

Beck.	Patton.
Duggan.	Russek.
Greer.	

The bill was passed to third reading by the following vote:

**Yeas—15.**

Cousins.	Rawlings.
Fellbaum.	Redditt.
Hopkins.	Regan.
Hornsby.	Small.
Martin.	Stone.
Pace.	Woodruff.
Parr.	Woodul.
Purl.	

**Nays—11.**

Blackert.	Neal.
Collie.	Oneal.
DeBerry.	Poage.
Holbrook.	Sanderford.
Moore.	Woodward.
Murnh	

**Absent—Excused.**

Beck.	Patton.
Duggan.	Russek.
Greer.	

The motion of Senator Hopkins to suspend the constitutional rule requiring bills to be read on three several days was lost by the following vote:

**Yeas—19.**

Collie.	Parr.
Cousins.	Purl.
Fellbaum.	Rawlings.
Hopkins.	Regan.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Pace.	

**Nays—7.**

Blackert.	Poage.
DeBerry.	Redditt.
Holbrook.	Sanderford.
Oneal.	

**Absent—Excused.**

Beck.	Patton.
Duggan.	Russek.
Greer.	

(Four-fifths vote required.)

**House Bill No. 199.**

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 199, A bill to be entitled "An Act to amend Article 6008, of the Revised Civil Statutes of Texas, 1925, as amended by Acts of the Forty-third Legislature, Chapter 100, so as to permit the use of natural gas for repressuring, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time.

Senator Collie sent up the following amendment:

Amend H. B. No. 199 by striking out all above the enacting clause and inserting in lieu thereof the following:

**A BILL****To Be Entitled**

An Act amending Article 6008 of the Revised Civil Statutes of 1925 as amended by Section 2, Chapter 26, Acts of the Forty-second Legislature, First Called Session, and Section 1, Chapter 100, Acts of the Forty-third Legislature, Regular Session, prohibiting the waste of gas by escape and requiring the

confinement thereof under the terms and conditions of said Article; providing that gas from wells produced from a common reservoir consisting of more than three hundred thousand acres where the owner has no reasonable market available may be utilized for purposes other than light and fuel to the extent of twenty-five per cent of the open flow and that such utilization shall not constitute waste; authorizing the use of gas for the purpose of being introduced into an oil or gas bearing stratum for repressuring and for any purpose found by the Commission to be conducive to the public welfare; fixing a penalty for a violation thereof, and providing means for recovering such penalty; repealing all laws in conflict, and providing that if any portion of the Act is unconstitutional, the remaining portions thereof shall nevertheless be valid; and declaring an emergency."

COLLIE.

Read and adopted.

The bill was passed to third reading.

On motion of Senator Collie the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 199 was put on its third reading and final passage by the following vote:

Yeas—26.

Blackert.	Pace.
Collie.	Parr.
Cousins.	Poage.
DeBerry.	Purl.
Fellbaum.	Rawlings.
Holbrook.	Redditt.
Hopkins.	Regan.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Beck.	Patton.
Duggan.	Russek.
Greer.	

Read third time and finally passed by the following vote:

Yeas—27.

Blackert.	Parr.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Fellbaum.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Absent—Excused.

Beck.	Greer.
Duggan.	Patton.

#### House Bill No. 164.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 164, A bill to be entitled "An Act to fix the salaries and compensation of county commissioners in counties with a population of not less than 24,060, nor more than 24,100, according to the last Federal census, and providing for the manner and the fund from which said salaries shall be paid, and declaring an emergency."

Senator Neal substituted for H. B. No. 164 the following bill:

H. B. No. 88, A Bill to be entitled "An Act amending Article 2350 Chapter 44 of the Revised Civil Statutes of the State of Texas, 1925, as amended by Act of the Thirty-ninth Legislature, Regular Session, Chapter 135, Section 1; and as amended by Act of the Fortieth Legislature, page 435, Chapter 490, Section 1; and as amended by Act of the Fortieth Legislature, First Called Session, page 138, Chapter 46, Section 1; and as amended by House Bill Number 555, Chapter 216, page 727, Acts of the Forty-third Legislature, Regular Session, relating to the salaries of county commissioners in certain counties, providing that if any part of this Act be declared unconstitutional it shall not affect any remaining part, and declaring an emergency."

The committee recommending that the bill be not printed was adopted by unanimous consent.

The first committee amendment was adopted.

Committee Amendment No. 2 was read.

Senator Neal received unanimous consent to amend the amendment to read "according to the 1932 tax roll."

The amendment was adopted.

Senator Neal sent up the following amendments:

Amend House Bill No. 88 by adding a new paragraph immediately following the words and figures "Eighteen Hundred (\$1800.00) Dollars per year" and to read as follows:

"Except in all counties having an assessed valuation of more than Five Million (\$5,000,000) Dollars and less than Six Million (\$6,000,000) Dollars, according to the last preceding tax roll, and having a population of more than Twenty-four Thousand One Hundred (24,100) inhabitants and less than Twenty-Four Thousand (24,000) inhabitants, according to the last preceding Federal census, each commissioner shall receive a salary not to exceed Twelve Hundred (\$1200.00) Dollars per year.

NEAL.

Read and adopted.

Amend the caption to conform to the body of the bill.

NEAL.

Read and adopted.

The bill was passed to third reading.

On motion of Senator Neal, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 88 was put on its third reading and final passage by the following vote:

Yeas—26.

Blackert.	Martin.
Collie.	Moore.
Cousins.	Murphy.
DeBerry.	Neal.
Fellbaum.	Oneal.
Holbrook.	Pace.
Hopkins.	Parr.
Hornsby.	Poage.

Purl.	Small.
Rawlings.	Stone.
Redditt.	Woodruff.
Regan.	Woodul.
Sanderford.	Woodward.

Absent—Excused.

Beck.	Patton.
Duggan.	Russek.
Greer.	

Read third time and finally passed by the following vote:

Yeas—23.

Blackert.	Parr.
Collie.	Poage.
Cousins.	Rawlings.
Fellbaum.	Redditt.
Holbrook.	Regan.
Hornsby.	Sanderford.
Hopkins.	Small.
Martin.	Stone.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Nays—3.

DeBerry.	Purl.
Murphy.	

Absent—Excused.

Beck.	Patton.
Duggan.	Russek.
Greer.	

Motion Withdrawn.

Senator Small received unanimous consent to withdraw the motion to reconsider the vote by which H. B. No. 161 was finally passed.

House Bill No. 203.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 203, A bill to be entitled "An Act to amend Acts, 1931, Forty-second Legislature, First Called Session, page 5, Chapter 3, relating to fishing in Gillespie and other counties, so as to change the tackle that may be lawfully used; the period for the open season; the legal length of certain fish; the number of fish which

may be caught in Kendall County; prescribing a penalty, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

Senator Fellbaum received unanimous consent to withdraw the committee amendments.

Read second time and passed to third reading.

On motion of Senator Fellbaum, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 203 was put on its third reading and final passage by the following vote:

**Yeas—27.**

Blackert.	Parr.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Fellbaum.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
ONeal.	Woodward.
Pace.	

**Absent—Excused.**

Beck.	Greer.
Duggan.	Patton.

Read third time and finally passed by the following vote:

**Yeas—27.**

Blackert.	Parr.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Fellbaum.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
ONeal.	Woodward.
Pace.	

**Absent—Excused.**

Beck.	Greer.
Duggan.	Patton.

**House Bill No. 141.**

The Chair laid before the Senate

on its second reading the following bill:

H. B. No. 141, A bill to be entitled "An Act making it lawful to kill squirrels in Coleman County at any time; repealing all laws in conflict therewith, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Woodward, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 141 was put on its third reading and final passage by the following vote:

**Yeas—27.**

Blackert.	Parr.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Fellbaum.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
ONeal.	Woodward.
Pace.	

**Absent—Excused.**

Beck.	Greer.
Duggan.	Patton.

Read third time and finally passed by the following vote:

**Yeas—27.**

Blackert.	Parr.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Fellbaum.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
ONeal.	Woodward.
Pace.	

**Absent—Excused.**

Beck.	Greer.
Duggan.	Patton.

**House Bill No. 178.**

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 178, A bill to be entitled "An Act providing for the pledging of local school funds from district taxes and other local sources to be used to pay the interest and sinking fund on a loan or loans from the Federal Government for certain purposes; authorizing the pledging of annual tax receipts by the board of trustees, with the consent and approval of the county superintendent and the county board of school trustees; authorizing the making of contracts with lenders upon certain terms, etc., and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Cousins, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 178 was put on its third reading and final passage by the following vote:

Yeas—27.

Blackert.	Parr.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Fellbaum.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Absent—Excused.

Beck.	Greer.
Duggan.	Patton.

Read third time and finally passed by the following vote:

Yeas—26.

Blackert.	Hornsby.
Cousins.	Martin.
DeBerry.	Moore.
Fellbaum.	Murphy.
Holbrook.	Neal.
Hopkins.	Oneal.

Pace.	Russek.
Parr.	Sanderford.
Poage.	Small.
Purl.	Stone.
Rawlings.	Woodruff.
Redditt.	Woodul.
Regan.	Woodward.

Nays—1.

Collie.

Absent—Excused.

Beck.	Greer.
Duggan.	Patton.

**House Bill No. 196.**

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 196, A bill to be entitled "An Act granting authority to the State Highway Department to acquire by purchase, and/or to construct, maintain, operate, and control ferries over and across any bay, arm, channel, or salt water lake emptying into the Gulf of Mexico, or any inlet of the Gulf of Mexico, any river, or other navigable waters of this State, where such ferries connect designated State highways, and which may be made self-liquidating or partially self-liquidating; providing for interstate ferries to be acquired by purchase, and to be maintained, operated, and controlled by the State of Texas, by the charging of tolls for the use thereof, and the right to charge reasonable tolls is hereby specifically granted to the State Highway Department under this Act, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 196 was put on its third reading and final passage by the following vote:

Yeas—24.

Blackert.	Hornsby.
Collie.	Martin.
Cousins.	Moore.
DeBerry.	Murphy.
Fellbaum.	Neal.
Holbrook.	Oneal.
Hopkins.	Pace.



Parr.	Sanderford.
Poage.	Small.
Purl.	Stone.
Redditt.	Woodul.
Russek.	Woodward.

Nays—3.

Rawlings.	Woodruff.
Regan.	

Absent—Excused.

Beck.	Greer.
Duggan.	Patton.

Read third time and finally passed  
by the following vote:

Yeas—14.

Blackert.	Oneal.
Cousins.	Pace.
Fellbaum.	Parr.
Holbrook.	Redditt.
Hopkins.	Stone.
Hornsby.	Woodul.
Moore.	Woodward.

Nays—9.

DeBerry.	Rawlings.
Murphy.	Regan.
Neal.	Sanderford.
Poage.	Woodruff.
Purl.	

Present—Not Voting.

Collie.

Absent.

Martin. Small.

Absent—Excused.

Beck.	Patton.
Duggan.	Russek.
Greer.	

**House Bill No. 195.**

The Chair laid before the Senate  
on its second reading the following  
bill:

H. B. No. 195, A bill to be entitled  
"An Act making an appropriation to  
pay for fuel, light, and water for the  
Court of Civil Appeals, First Su-  
preme Judicial District, at Galveston,  
Texas, and the Court of Civil Ap-  
peals, Sixth Supreme Judicial Dis-  
trict, at Texarkana, Texas, for the  
fiscal years ending August 31, 1934,  
and August 31, 1935, respectively,  
and declaring an emergency."

The committee report recommend-  
ing that the bill be not printed was  
adopted by unanimous consent.

The bill was read second time and  
passed to third reading.

On motion of Senator Holbrook,  
the constitutional rule requiring bills  
to be read on three several days  
was suspended and H. B. No. 195  
was put on its third reading and  
final passage by the following vote:

Yeas—26.

Blackert.	Pace.
Collie.	Parr.
Cousins.	Poage.
DeBerry.	Purl.
Fellbaum.	Rawlings.
Holbrook.	Redditt.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Nays—1.

Regan.

Absent—Excused.

Beck.	Greer.
Duggan.	Patton.

Read third time and finally passed  
by the following vote:

Yeas—21.

Blackert.	Pace.
Collie.	Parr.
Cousins.	Purl.
Fellbaum.	Redditt.
Holbrook.	Sanderford.
Hopkins.	Small.
Hornsby.	Stone.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Nays—5.

DeBerry.	Rawlings.
Murphy.	Regan.
Poage.	

Absent—Excused.

Beck.	Patton.
Duggan.	Russek.
Greer.	

**House Bill No. 123.**

The Chair laid before the Senate  
on its second reading the following  
bill:

H. B. No. 123, A bill to be entitled  
"An Act creating a closed season

upon wild turkey for a period of five (5) years in the Counties of Liberty and Hardin, in the State of Texas; Making it unlawful for any person to hunt, trap, ensnare, kill, or attempt to kill, by any means whatsoever, any wild turkey within said counties, for a period of five (5) years; providing a penalty therefor, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Cousins, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 123 was put on its third reading and final passage by the following vote:

## Yeas—27.

Blackert.	Parr.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Fellbaum.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

## Absent—Excused.

Beck.	Greer.
Duggan.	Patton.

Read third time and finally passed by the following vote:

## Yeas—27.

Blackert.	Parr.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Fellbaum.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

## Absent—Excused.

Beck.	Greer.
Duggan.	Patton.

## House Bill No. 23.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 23, A bill to be entitled "An Act for the continuation, for the control and prevention of malaria; prescribing the duties of the State Board of Health in reference thereto; making appropriation, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

Read second time.

Senator Moore sent up the following amendment:

Amend H. B. No. 23 by adding a new paragraph to Section 2 which shall read as follows:

"In no event shall any of the funds herein appropriated or any service provided hereunder be expended in, or with, or rendered in behalf of, any private or sectarian school, hospital or other private or sectarian institution in Texas."

MOORE.

Read and adopted.

The bill was passed to third reading by the following vote:

## Yeas—17.

Blackert.	Parr.
Cousins.	Redditt.
Fellbaum.	Regan.
Hopkins.	Sanderford.
Hornsby.	Stone.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

## Nays—7.

Collie.	Poage.
DeBerry.	Purl.
Holbrook.	Rawlings.
Murphy.	

## Absent—Excused.

Beck.	Patton.
Duggan.	Russek.
Greer.	Small.
Martin.	

On motion of Senator Moore, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 23 was put on its third reading and final passage by the following vote:

## Yeas—20.

Blackert.	Pace.
Collie.	DeBerry.
Cousins.	Parr.
Fellbaum.	Purl.
Hopkins.	Redditt.
Hornsby.	Regan.
Moore.	Sanderford.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

## Nays—4.

Holbrook.	Rawlings.
Poage.	Stone.

## Absent—Excused.

Beck.	Patton.
Duggan.	Russek.
Greer.	Small.
Martin.	

Read third time and finally passed  
by the following vote:

## Yeas—16.

Blackert.	Pace.
Cousins.	Parr.
Fellbaum.	Redditt.
Hopkins.	Regan.
Hornsby.	Sanderford.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

## Nays—8.

Collie.	Poage.
DeBerry.	Purl.
Holbrook.	Rawlings.
Murphy.	Stone.

## Absent—Excused.

Beck.	Patton.
Duggan.	Russek.
Greer.	Small.
Martin.	

## House Bill No. 212.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 212, A bill to be entitled "An Act amending Chapter 33 of the General Laws of the Regular Session of the Thirty-ninth Legislature, so there is added to said chapter provisions that in cities having a population of more than two hundred ninety thousand (290,000) inhabitants according to the last preceding

Federal census, that the governing body of said cities shall have the power to make loans to be secured by, and paid out of the income of the water works system of said cities and/or extensions, replacements, betterments, additions, and/or improvements thereof necessary to render adequate service; and to pledge and use the income of such system for the payment of said debts, and providing further that in said cities, elections provided in Section 6, of said chapter, shall not be necessary for the issuance of bonds and notes to secure said loans made payable solely by the income of said system, and providing for the required submission of said bonds and notes to the Attorney General for his examination, and that said bonds shall be examined and certified as legal obligations to said cities by the Attorney General of Texas, and requiring them to be registered by the Comptroller in a book kept for such purpose; and providing further that nothing in this Act shall repeal or affect any other legislation pertaining to this same subject, but shall be cumulative to all Acts granting power to all cities and towns including Home Rule cities and it is not intended to limit or impair any power given by any other of such Acts, nor shall any other Act be deemed to limit or impair power granted under this Act, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Woodul, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 212 was put on its third reading and final passage by the following vote:

## Yeas—27.

Blackert.	Oneal.
Collie.	Pace.
Cousins.	Parr.
DeBerry.	Poage.
Fellbaum.	Purl.
Holbrook.	Rawlings.
Hopkins.	Redditt.
Hornsby.	Regan.
Martin.	Russek.
Moore.	Sanderford.
Murphy.	Small.
Neal.	Stone.

Woodruff. Woodward.  
Woodul.

Absent—Excused.

Beck. Greer.  
Duggan. Patton.

Read third time and finally passed  
by the following vote:

Yeas—27.

Blackert. Parr.  
Collie. Poage.  
Cousins. Purl.  
DeBerry. Rawlings.  
Fellbaum. Redditt.  
Holbrook. Regan.  
Hopkins. Russek.  
Hornsby. Sanderford.  
Martin. Stone.  
Moore. Small.  
Murphy. Woodruff.  
Neal. Woodul.  
Oneal. Woodward.  
Pace.

Absent—Excused.

Beck. Greer.  
Duggan. Patton.

#### House Bill No. 88.

The Chair laid before the Senate  
on its second reading the following  
bill:

H. B. No. 83, A bill to be entitled  
"An Act creating a closed season  
upon wild deer, duck, doe, fawn, wild  
turkey or pheasant for a period of  
five (5) years in the County of  
Erath, State of Texas, making it un-  
lawful for any person to hunt, trap,  
ensnare, kill or attempt to kill by  
any means whatsoever, any wild  
deer, buck, doe, fawn, wild turkey  
or pheasant for a period of five (5)  
years; providing a penalty therefor,  
and declaring an emergency."

The committee report recommend-  
ing that the bill be not printed was  
adopted by unanimous consent.

The bill was read second time and  
passed to third reading.

On motion of Senator Sanderford,  
the constitutional rule requiring bills  
to be read on three several days was  
suspended and H. B. No. 83 was put  
on its third reading and final passage  
by the following vote:

Yeas—27.

Blackert. Cousins.  
Collie. DeBerry.

Fellbaum. Purl.  
Holbrook. Rawlings.  
Hopkins. Redditt.  
Hornsby. Regan.  
Martin. Russek.  
Moore. Sanderford.  
Murphy. Small.  
Neal. Stone.  
Oneal. Woodruff.  
Pace. Woodul.  
Parr. Woodward.  
Poage.

Absent—Excused.

Beck. Greer.  
Duggan. Patton.

Read third time and finally passed  
by the following vote:

Yeas—27.

Blackert. Parr.  
Collie. Poage.  
Cousins. Purl.  
DeBerry. Rawlings.  
Fellbaum. Redditt.  
Holbrook. Regan.  
Hopkins. Russek.  
Hornsby. Sanderford.  
Martin. Small.  
Moore. Stone.  
Murphy. Woodruff.  
Neal. Woodul.  
Oneal. Woodward.  
Pace.

Absent—Excused.

Beck. Greer.  
Duggan. Patton.

#### House Bill No. 129.

The Chair laid before the Senate  
on its second reading the following  
bill:

H. B. No. 129, A bill to be entitled  
"An Act to amend Article 8244, of  
the Revised Civil Statutes of 1925,  
governing the selection of deposi-  
tories by all navigation districts  
whether created pursuant to Section  
52, Article III, of the Constitution,  
or Section 59, Article XVI, of the  
Constitution; defining the powers of  
navigation and canal commissioners  
in the selection of such depositories;  
defining the powers and obligations  
of such depositories, and declaring  
an emergency."

The committee report recommend-  
ing that the bill be not printed was  
adopted by unanimous consent.

The bill was read second time and  
passed to third reading.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 129 was put on its third reading and final passage by the following vote:

## Yeas—27.

Blackert.	Parr.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Fellbaum.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

## Absent—Excused.

Beck.	Greer.
Duggan.	Patton.

Read third time and finally passed.

Senator DeBerry asked to be recorded as voting "No."

## House Bill No. 185.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 185, A bill to be entitled "An Act to validate, ratify, approve, confirm, and declare enforceable all levies and assessments of ad valorem taxes heretofore made by independent school districts in this State, in counties having a population of not less than twenty-two thousand five hundred (22,500) and not more than twenty-two thousand nine hundred and fifty (22,950), according to the last preceding Federal census, not in excess of the limit now provided by law, which are void or unenforceable because the same were made and adopted by resolution, motion, or other informal action, and because of the failure of the governing body of such districts to appoint the proper and statutory board of equalization; etc., and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Stone, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 185 was put on its third reading and final passage by the following vote:

## Yeas—27.

Blackert.	Parr.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Fellbaum.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

## Absent—Excused.

Beck.	Greer.
Duggan.	Patton.

Read third time and finally passed by the following vote:

## Yeas—27.

Blackert.	Parr.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Fellbaum.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

## Absent—Excused.

Beck.	Greer.
Duggan.	Patton.

## House Bill No. 205.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 205, A bill to be entitled "An Act to amend Subdivision 66, of Article 199, Title 8, of the Revised Statutes of Texas, 1925, so as to change the time and terms of holding the terms of District Court in Hill County, constituting the Sixty-sixth Judicial District of Texas, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Collie, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 205 was put on its third reading and final passage by the following vote:

**Yeas—27.**

Blackert.	Parr.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Fellbaum.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

**Absent—Excused.**

Beck.	Greer.
Duggan.	Patton.

Read third time and finally passed by the following vote:

**Yeas—27.**

Blackert.	Parr.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Fellbaum.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

**Absent—Excused.**

Beck.	Greer.
Duggan.	Patton.

**House Bill No. 84.**

The bill laid before the Senate on its second reading the following bill:

H. B. No. 84, A bill to be entitled "An Act empowering counties through their commissioners' courts

to borrow money or receive grants of money from the Federal Emergency Administrator of Public Works or other Federal Agency under the terms and provisions of the Act of the Congress of the United States commonly known as the National Industrial Recovery Act, etc."

On motion of Senator Regan, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 84 was put on its second reading by the following vote:

**Yeas—27.**

Blackert.	Parr.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Fellbaum.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.

The rule requiring committee report to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time.

Senator Regan sent up the following amendment:

Amend House Bill No. 84, by inserting the words "to be" between the word "security" and the word "given" in line 9, section 3 of the bill, and amend the caption to conform.

**REGAN.**

Read and adopted.

The bill was passed to third reading.

On motion of Senator Regan, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 84 was put on its third reading and final passage by the following vote:

**Yeas—23.**

Blackert.	Hopkins.
Collie.	Hornsby.
Cousins.	Martin.
DeBerry.	Murphy.
Fellbaum.	Neal.
Holbrook.	Pace.

Parr.	Small.
Rawlings.	Stone.
Redditt.	Woodruff.
Regan.	Woodward.
Russek.	Woodul.
Sanderford.	

Nays—4.

Moore.	Poage.
Oneal.	Purl.

Absent—Excused.

Beck.	Greer.
Duggan.	Patton.

Read third time and finally passed by the following vote:

Yeas—21.

Blackert.	Rawlings.
Cousins.	Redditt.
Fellbaum.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Pace.	Woodward.
Parr.	

Nays—6.

Collie.	Oneal.
DeBerry.	Poage.
Holbrook.	Purl.

Absent—Excused.

Beck.	Greer.
Duggan.	Patton.

**House Bill No. 112.**

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 112, A bill to be entitled "An Act to amend Section 2, Chapter 18, Acts of the Fifth Called Session of the Forty-first Legislature, as amended by Chapter 27, Acts of the Regular Session of the Forty-second Legislature, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time.

Senator Murphy sent up the following amendment:

Amend House Bill No. 112 by striking out all of section 2 beginning with line 23 of the printed bill and inserting the following:

"It is expressly provided however that this Act shall be on a reciprocal basis and shall not apply to those states that admit commercial trucks in Texas, except that non-resident, persons, companies, corporations or associations operating trucks, trailers, semi-trailers or a combination of either for hire shall not be permitted to enter the State of Texas more than two times per month without obtaining a Texas license as otherwise provided for Texas trucks, trailers, semi-trailers or a combination of either operating for hire."

MURPHY.

Read and adopted.

The bill was passed to third reading.

On motion of Senator Murphy, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 112 was put on its third reading and final passage by the following vote:

Yeas—27.

Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Fellbaum.	Rawlings.
Holbrook.	Redditt.
Hopkins.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.

Absent—Excused.

Beck.	Greer.
Duggan.	

Read third time and finally passed by the following vote:

Yeas—27.

Blackert.	Parr.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Fellbaum.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Absent—Excused.

Beck. Greer.  
Duggan. Patton.

**Adjournment.**

Senator DeBerry moved to adjourn until 11:30 o'clock a. m., October 13.

Senator Moore moved to adjourn until 1 o'clock p. m., October 13. The motion was lost.

The original motion prevailed and, at 11:40 o'clock p. m., the Senate adjourned.

**APPENDIX.**

**Committee on Engrossed Bills.**

Committee Room,  
Austin, Texas, October 12, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 39 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Room,  
Austin, Texas, October 12, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 85 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Room,  
Austin, Texas, October 12, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 89 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Room,  
Austin, Texas, October 12, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 68 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Room,  
Austin, Texas, October 12, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 92 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Room,  
Austin, Texas, October 12, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 107 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Room,  
Austin, Texas, October 12, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 91 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Room,  
Austin, Texas, October 12, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 99 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Room,  
Austin, Texas, October 12, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 113 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Room,  
Austin, Texas, October 12, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 62 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Room,  
Austin, Texas, October 12, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 93 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.



## Committee Room,

Austin, Texas, October 12, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 95 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

## Committee Room,

Austin, Texas, October 12, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 81 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

## Committee Room,

Austin, Texas, Oct. 12, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. C. R. No. 27 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

## Committee Reports.

## Committee Room,

Austin, Texas, October 12, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

H. B. No. 186, A bill to be entitled "An Act creating a special and more efficient road system for Collin County in the State of Texas, and making county commissioners ex-officio road commissioners and prescribing their powers and duties as such, and providing for their compensation as such road commissioners; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

RAWLINGS, Chairman.

## Committee Room,

Austin, Texas, October 12, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 205, A bill to be entitled "An Act amending subdivision 66 of

Article 199, Title 8, of the Revised Civil Statutes of Texas, 1925, so as to change the time and terms of holding the terms of District Court in Hill County, constituting the 66th Judicial District of Texas, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODUL, Chairman.

## Committee Room,

Austin, Texas, October 12, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 176, A bill to be entitled "An Act making an appropriation to pay deficiencies and bills for the Adjutant General's Department out of the General Fund; authorizing payments of such claims on the taking effect of this Act."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOLBROOK, Chairman.

## Committee Room,

Austin, Texas, October 12, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 28, Being a resolution of protest for alleged violations in use of appropriations as provided for in H. B. 166, Chapter 215, Acts of the Regular Session of the 43rd Legislature.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

HOPKINS, Chairman.

## Committee Room,

Austin, Texas, October 12, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 31, Granting authority to the State Highway Commission to make such settlement with Walter Strickland as the facts may warrant, or in the alternative granting Walter Strickland permission to bring suit against the State of Texas

and/or the Highway Commission of the State of Texas.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOPKINS, Chairman.

Committee Room,  
Austin, Texas, October 12, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 210, A bill to be entitled "An Act granting permission to the Gainesville Red River Bridge Company to sue the State Highway Commission as such, and the State of Texas upon a purported contract; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOPKINS, Chairman.

Committee Room,  
Austin, Texas, October 11, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 81, A bill to be entitled "An Act providing a privilege license for any person before engaging in the business of Commercial Fisherman, Wholesale Fish Dealer, Retail Fish Dealer, Bait Dealer, Fish Guide; defining certain terms as used herein; or before operating a shrimp trawl, net or seine or oyster dredge for taking any aquatic life from the waters of this State for pay; naming the licenses and the fees to be paid for same; limiting the length of a seine which may be licensed and the size of the mesh of seine which may be licensed after September 1, A. D. 1934; providing aquatic products are subject to inspection by any employee of Game, Fish and Oyster Commission; providing a rebate for holders of licenses and permits heretofore issued by the Game, Fish and Oyster Commission; prescribing a penalty for violation of any provision of this Act; repealing all laws in conflict herewith and especially Articles 934, 936, 937, 938, 939, and 940 of the Penal Code of the State of Texas, and

Articles 4031, 4032, 4033, 4034, and 4044 of the Revised Civil Statutes of the State of Texas of 1925; providing that all indebtedness due the State by reason of laws repealed shall remain valid; providing that no license shall be issued to any person delinquent in fees or taxes on aquatic products; providing all license fees are annual and effective dates of licenses; providing for the effective date of the Act; providing if any part of this Act is declared unconstitutional it shall not affect the validity of the remainder of the Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Committee Room,  
Austin, Texas, October 12, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 84, A bill to be entitled "An Act empowering counties through their commissioners' courts to borrow money or receive grants of money from the Federal Emergency Administrator of Public Works or other Federal Agency under the terms and provisions of the Act of the Congress of the United States commonly known as the National Industrial Recovery Act, etc.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

FELLBAUM, Chairman.

Committee Room,  
Austin, Texas, October 12, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 150, A bill to be entitled "An Act amending Article 7283 of the Revised Civil Statutes of Texas, 1925, reducing the cost of redeeming land sold for taxes; specifying the time for redemption and the money to be paid therefor; making the same apply to and govern redemption from all State, county, municipal and/or district tax sales of

# In Memory of Hon. W. D. Adair

## Senate Simple Resolution No. 20.

Senator Patton sent up the following resolution:

Whereas, The brilliant horizon of a cloudless day was yesterday darkened by the mysterious shadow of death, which took from our midst a distinguished citizen, a Christian gentleman, and a worthy public servant of the State of Texas; and

Whereas, When we turn our eyes towards his descending vision in the West, we are baptized in a veil of human tears, inspired by the supreme tragedy which so recently stalked unguarded in our midst and snatched from our associates an immortal soul, the memory of whom remains as one of the beautiful moments in the colorful span of time; and

Whereas, When we again behold the rising sun of a new generation spreading its gorgeous hues across the canopy of the Eastern sky, we are wont to remember the brilliant career of him who has descended into the mysterious vale of death; and

Whereas, The Honorable W. D. Adair, who was a Confederate soldier in Lee's Army from 1861 to 1865, and being one of the men who formed the guard for Governor Richard Coke when his right to the office of Governor of Texas was disputed by E. J. Davis, and

Whereas, The said Honorable W. D. Adair served in the Twenty-seventh and Twenty-eighth Legislatures of the State of Texas from Walker County, and served in the official capacity of sheriff, tax collector and tax assessor of Walker County, and

Whereas, We who are left behind are inspired by his worthy career, by his comradeship and brotherly love, by his active efforts in behalf of the welfare of Texas, and by his human reminders of his labors engraved upon the life of all who knew him, and upon the golden history of an immortal empire, dedicated by human tongue as the State of Texas; now, therefore, be it

Resolved, That the Senate of Texas of the First Called Session of the Forty-third Legislature express to the family of the Honorable W. D. Adair its bereavement at his death, and assure those who now sorrow at his passing that his memory and labors shall remain with us forever; and be it further

Resolved, That when the Senate stands adjourned on this day, it shall be in memory of the Honorable W. D. Adair, and as a tribute to his worthiness, and that a page of the Journal be dedicated to his memory, and copies of this resolution be forwarded to his family.

PATTON,  
BECK,  
BLACKERT,  
COLLIE,  
COUSINS,  
DeBERRY,  
DUGGAN,  
FELLBAUM,  
GREER,  
HOLBROOK,  
HOPKINS,

HORNSBY,  
MARTIN,  
MOORE,  
MURPHY,  
NEAL,  
ONEAL,  
PACE,  
PARR,  
POAGE,  
PURL,  
RAWLINGS,

REDDITT,  
REGAN,  
RUSSEK,  
SANDERFORD,  
SMALL,  
STONE,  
WOODRUFF,  
WOODUL,  
WOODWARD,  
LT. GOV. WITT.

Read and adopted unanimously by a rising vote.

real estate heretofore or hereafter made, regardless of the method used in making such sales; ratifying Articles 7284 and 7285 of the Revised Civil Statutes of Texas, of 1925; providing that if any part of this Act is declared unconstitutional, it shall not affect the validity of the remainder of the Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOPKINS, Chairman.

Committee Room,  
Austin, Texas, October 12, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 179.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with committee amendments, and be not printed.

HOLBROOK, Chairman.

#### TWENTY-FIRST DAY.

Senate Chamber,  
Austin, Texas,  
October 13, 1933.

The Senate met at 11:30 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

Absent—Excused.

Patton.

Prayer by Mr. W. J. J. Terrell,  
Doorkeeper of the Senate.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodruff.

#### Petitions and Memorials.

(See Appendix.)

#### Committee Reports.

(See Appendix.)

#### Message From the House.

Hall of the House of Representatives.  
Austin, Texas, October 13, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

S. C. R. No. 21, Relating to amending of House Bill No. 154, which was passed at the Regular Session of the Forty-third Legislature.

With amendment.

S. C. R. No. 19, Granting the Grand Lodge of the Order of the Sons of Hermann in the State of Texas permission to sue the State.

S. C. R. No. 23, Relating to the unexpended balance of appropriation provided in Senate Bill No. 242.

S. C. R. No. 25, Allowing Buna Independent School District of Jasper County \$400.00 under the provisions of S. B. No. 242, Regular Session, 1931.

S. C. R. No. 26, Relating to payment of fees of certain county officials in examining trials.

S. C. R. No. 27, Relative to Highway through Kenedy County.

H. C. R. No. 57, Suspending Rule 11 of the Joint Rules for the purpose of considering S. B. No. 39 on final passage.

H. C. R. No. 59, Suspending Rule 11 of the Joint Rules of the House and Senate for purpose of considering on final passage H. B. No. 116.

H. C. R. No. 60, Suspending Rule No. 11 of the Joint Rules for the purpose of considering on final passage H. B. No. 176.

The House has refused to concur in Senate amendments to House Bill No. 10 and requests the appointment of a conference committee to adjust the differences between the two Houses. The following are appointed on the part of the House:

Vaughan, Camp, Hankamer, Duval and Coombes.